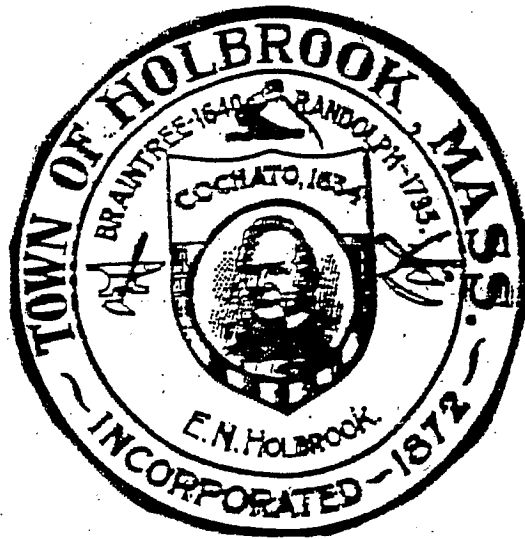


TOWN OF HOLBROOK

ZONING BY-LAWS



As Amended: Special Town Meeting

October 23, 2007

Fee: \$15.00

TOWN OF HOLBROOK, MASSACHUSETTS

PLANNING BOARD

SECTION 8-1

- SECTION 1. A Planning Board of the Town of Holbrook shall be established in accordance with the General Laws of the Commonwealth of Massachusetts, Chapter 41, Section 81A.
- SECTION 2. The Board shall consist of five (5) elected members. The first election of such members shall be at the first Annual Town Meeting following adoption of this article, and the Board of Selectmen of the Town are authorized to act as a Planning Board until such time as a Planning Board is established and elected as provided by Chapter 41, Section 61A of the General Laws.
- The Board shall also include an appointed associate member who shall only sit on Special Permit relating for Site Plan Review as permitted by Massachusetts General Laws, Chapter 40A Section 9 and as permitted by the Town of Holbrook Zoning By-Law. *Adopted: STM/March 16, 1992/Art. 14*
- SECTION 3. At the time of the first election five members shall be elected, one each for five, four, three, two and one year terms respectively. As each term expires, a member shall be elected for term of five years, one member to be elected each year.
- SECTION 4. In case of a vacancy a new member shall be elected at the next Annual Town Meeting to fill the balance of the unexpired term.
- SECTION 5. The duties of the Planning Board shall be as set forth in the General Laws, Chapter 41, Section 81A to 81Y, inclusive, and any amendments thereto, excluding therefrom Section 81U.
- SECTION 6. In addition to and in no way in limitation of the duties and powers previously conferred upon the Planning Board; the Planning Board shall have all the powers and duties as set forth in Chapter 41, Section 81A to 81G of the General Laws as amended.

Adopted: ATM/Feb. 24, 1953/Art. 17

Amended: ATM/Feb. 29, 1960/Art. 47

ZONING BY-LAW

SECTION 9

To promote the health, safety, convenience, morals and general welfare of its inhabitants, to lessen the danger from fire and congestion, and to improve the town under the provisions of General Laws, Chapter 40A, the use, construction, repair, alteration and height of buildings and structures and the use of premises in the Town of Holbrook are hereby restricted and regulated as hereinafter provided.

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SECTION 1: PURPOSES & VALIDITY

1.1 PURPOSES & AUTHORITY

- 1.11 This By-Law shall be known and may be cited as “The Zoning By-Law of the Town of Holbrook” and is adopted by virtue of and pursuant to the provisions of General Laws, Chapter 40A, as amended by Chapter 808 of the Acts of 1975 as amended.
- 1.12 The purpose of this By-Law include, but are not limited to the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provisions of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment, to encourage the most appropriate use of land throughout the town, including consideration of the recommendations of the master plan, if any, adopted by the Planning Board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill these objectives under the provisions of General Laws, Chapter 40A.
- 1.13 Regulations adopted pursuant to these purposes may include, but are not limited to, restricting, prohibiting, permitting, or regulating the use, alteration, repair, size, bulk, height, area and location of buildings and structures and the use of land throughout the Town of Holbrook.

1.2 CONFLICT OF LAWS, VALIDITY SEVERABILITY

- 1.21 In general this By-Law is supplementary to other Holbrook By-Laws affecting the use, height, area and location of buildings and use of premises, but where this By-Law imposes a greater restriction in any respect than is imposed by other Holbrook By-Laws, the provisions of this By-Law shall prevail.
- 1.22 The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof.

1.3 RELIGIOUS AND EDUCATIONAL EXEMPTIONS

In accordance with General Laws, Chapter 40A, and notwithstanding any provisions to the contrary, this By-Law shall not prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies, politic or by religious sect or denomination or by a nonprofit educational corporation provided, however that such land or structures maybe subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, in accordance with the provisions of this By-Law.

SECTION 2: DEFINITIONS

For the purposes of this By-Law, the following words and terms as used herein shall have the meanings or limitations of meaning herein defined, explained or assigned:

- 2.11 **STREET:** A public way, or a private way on record at the Registry of Deeds and open to travel by the general public, or a ay shown on a subdivision plan duly approved by the Planning Board under the subdivision control statue.
- 2.21 **LOT:** An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or deeds of record or a segment of land ownership defined by lot boundary lines on a land division plan duly approved by the Planning Board under the subdivision control statue.
- 2.22 **LOT FRONT:** On any lot bounded on more than one side by a street, the street boundary that is to be the lot “Front” shall be so designated in any application for a permit to build on such lot.
- 2.23 **LOT FRONTAGE:** The lot frontage shall be measured as the distance between the side lot lines at the street front lot boundary. The minimum lot frontage must be continuous. Amended: ATM/May 12, 1997/Art. 55
- 2.24 **LOT WIDTH:** The width of any lot shall be measured wholly within such lot at the front yard depth along a line parallel to a straight line connecting the intersections of the street front lot boundary with the side lines of such lot.

- 2.31 FRONT YARD:** An open space extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street boundary of such lot to such depth as may be specified.
- 2.32 REAR YARD:** An open space extending the entire width of a lot from sideline to sideline and extending at a right angle from the rear line of such lot to such depth as may be specified.
- 2.33 SIDE YARD:** An open space extending along a sideline of a lot (between the front yard and the rear yard on such lot) and extending at a right angle from the sideline of such lot to such depth as may be specified.
- 2.41 BUILDING:** The word “building” shall include the word “structure” unless the context unequivocally indicates otherwise. “Building” shall also mean any three-dimensional enclosure by any building materials of any space for any use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls.
- 2.42 BUILT, ERECTED:** The words “built” and “erected” shall each contain in the other and shall include the words “constructed”, “reconstructed”, “altered”, “enlarged”, “moved” and any others of like significance.
- 2.43 STORY:** That portion of a building contained between any floor and the floor or roof next above it, but not including any portion so contained if more than one-half of such portion vertically is below the average finished grade of the ground adjoining such building.
- 2.44 HALF STORY:** That portion of a building next beneath a sloping roof and in which there are less than four feet vertically between the top of the floor and the intersection of the bottoms of the rafters with the interior faces of the walls.
- 2.45 HABITABLE SPACE:** These areas within the exterior walls of a dwelling which have headroom of not less than seven feet, measure vertically upward from the top of the finished floor, but excluding basement areas and excluding areas in any accessory structure attached to any dwelling.
- 2.51 FAMILY:** Any number of individuals living together in one housekeeping unit and using in common among them one set of cooking and food storage equipment and facilities.
- 2.52 ONE-FAMILY DWELLING:** A free standing building exclusively, for residential use by one family.
- 2.53 TWO-FAMILY DWELLING:** A free standing building exclusively for residential use by two families, but not more than two families.
- 2.61 APARTMENT UNIT:** Any room or suite of rooms comprising one complete housekeeping unit, with its own cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within such room or suite of rooms.
- 2.62 APARTMENT BUILDING:** A free standing building exclusively for residential use with three (3) or more apartment units.
- 2.71 HOTEL OR MOTEL:** A building or group of attached or detached buildings containing ten (10) or more rental sleeping rooms per building (with or without cooking facilities) each rental unit having its own private bathroom and its own separate outside entrance.

SECTION 3: ZONING BOUNDARY DESCRIPTIONS

(boundary description in words prevails over map)

- 3.01 The Town of Holbrook is hereby divided into Zoning Districts as hereinafter designated, defined and described and shown on a Zoning Map dated March, 1966 as amended, on file with the Town Clerk which map is hereby made a part of this By-Law.

RESIDENTIAL I	BUSINESS I
RESIDENTIAL II	BUSINESS II
RESIDENTIAL III	BUSINESS/COMMERCIAL
RESIDENTIAL IV	BUSINESS/VILLAGE
RESIDENTIAL V	INDUSTRIAL I
	FLOOD PLAIN
ADULT ENTERTAINMENT (OVERLAY DISTRICT)	
ASSISTED LIVING AND SKILLED NURSING CARE (OVERLAY DISTRICT)	

Amended: STM/Sept. 26, 2005/Art. 42

3.02 In the event of any discrepancy between the boundaries of zoning districts as shown on the official zoning map and as hereinafter described or defined, the description hereinafter set forth shall govern as amended.

3.1 FLOOD INSURANCE RATE MAP, TOWN OF HOLBROOK, MASSACHUSETTS – NORFOLK COUNTY

Dated Preliminary April 9, 1999 as prepared by the Federal Emergency Management Agency. Amended: STM/May 14, 2001/Art. 27

3.10 ADULT ENTERTAINMENT DISTRICT

3.10.1 An area in West Holbrook located along Mear Road, with all lot references as shown and numbered on the Assessor's Maps of the Town of Holbrook, and bounded:

WESTERLY and SOUTHWESTERLY by the centerline of the Cochato River;

EASTERLY by the westerly line of Lot #19-10 extended southwesterly to the centerline of the Cochato River;

EASTERLY AGAIN by the westerly line of Lot #19-10 and

EASTERLY AGAIN by the westerly line of Lot #19-10 extended northeasterly to the centerline of Mear Road; and

NORTHEASTERLY by the centerline of Mear Road; and

SOUTHEASTERLY by the westerly line of Lot 19-9 extended to the centerline of Mear Road;

SOUTHEASTERLY AGAIN by the westerly line of Lot #19-9;

AND FINALLY NORTHEASTERLY by a line parallel to the centerline of Mear Road and four hundred (400') feet northeasterly of said centerline of Mear Road, to the point of beginning. *Adopted; STM/Sept. 26, 2005/Art. 42*

3.11 ASSISTED LIVING AND SKILLED NURSING CARE

3.11.1 An area in north Holbrook on the easterly side of North Franklin Street, with all lot references as shown and numbered on the Assessor's Maps of the Town of Holbrook, and bounded:

SOUTHERLY by the centerline of School Street; and

EASTERLY by the centerline of Belcher Street; and

NORTHERLY by the northerly line of Lot # 15-120-1; and

EASTERLY by the easterly line of Lot # 15-121; and

NORTHERLY by the northerly line of Lot # 15-121;

AND FINALLY WESTERLY by the centerline of North Franklin Street, to the point of beginning. *Adopted: STM/Sept. 26, 2005/Art. 42*

3.2 RESIDENTIAL I DISTRICTS

All those lands, swamps, streams and all inland water bodies not elsewhere in this By-Law described or classified as being within some other Town of Holbrook Zoning District category.

3.3 RESIDENTIAL II DISTRICTS

3.31 In North Central Holbrook between Pine Street and North Franklin Street bounded:

NORTHERLY by a line parallel to and two hundred (200) feet southerly of a portion of Johns Avenue centerline;

NORTHEASTERLY by a line parallel to and two hundred (200) feet southwesterly of a portion of Pine Street centerline;

SOUTHEASTERLY by a line parallel to and two hundred (200) feet northwesterly of a portion of Weymouth Street centerline;

SOUTHWESTERLY by a line parallel to and five hundred (500) feet northeasterly of a portion of Plymouth Street centerline

SOUTHEASTERLY AGAIN by a line, said line being at a right angle to Plymouth Street centerline at a point two hundred fifty (250) feet northwest of its intersection with Weymouth Street centerline;

SOUTHWESTERLY AGAIN by a line parallel to and two hundred (200) feet northeasterly of a portion of Plymouth Street centerline;

WESTERLY AND SOUTHERLY by a line parallel to and two hundred (200) feet easterly and northerly of a portion of Wright Avenue centerline;

WESTERLY AND SOUTHERLY AGAIN by a line parallel to and two hundred (200) feet easterly and northerly of a portion of Belcher Street centerline;

SOUTHWESTERLY by a line parallel to and two hundred (200) feet northeasterly of a portion of North Franklin Street centerline;

NORTHWESTERLY by a portion of the Boston Edison Company right-of-way centerline;

AND FINALLY WESTERLY by a line parallel to and three hundred (300) feet easterly of a portion of North Franklin Street centerline;

3.32 An area in East Central Holbrook and east of South Franklin Street, bounded:

NORTHERLY by a line parallel to and two hundred (200) feet southerly of a portion of Norfolk Road centerline;

WESTERLY by a line, said line being the southerly extension of Belcher Street centerline;
 NORTHEASTERLY by a line parallel to and two hundred (200) feet southwesterly of a portion of Plymouth Street centerline;
 SOUTHEASTERLY by a line, said line being at a right angle to Plymouth Street centerline at a point two hundred fifty (250) feet northwesterly of its intersection with Weymouth Street centerline;
 NORTHEASTERLY AND EASTERLY by a line parallel to and four hundred (400) feet southwesterly and westerly of a portion of Plymouth Street centerline;
 NORTHEASTERLY by a portion of the John F. Kennedy Elementary School northerly property line;
 SOUTHEASTERLY by a portion of Plymouth Street centerline;
 GENERALLY NORTHEASTERLY by a line parallel to and two hundred (200) feet southwesterly of Loud Road centerline;
 NORTHWESTERLY by a line parallel to and sixteen hundred (1600) feet northwesterly of a portion of Plymouth Street centerline and said centerline extended northeasterly, said portion of Plymouth Street running in a northeast-southwest direction and intersecting Sycamore Street and Abington Avenue extension;
 EASTERLY by a line parallel to and two hundred (200) feet easterly of a portion of Sycamore Street centerline;
 SOUTHEASTERLY by a line said line being a northeasterly extension of that portion of the Plymouth Street centerline that runs in a northeast-southwest direction and intersecting Sycamore Street and Abington Avenue extension;
 NORTHEASTERLY by a portion of Plymouth Street centerline;
 GENERALLY SOUTHERLY, SOUTHWESTERLY AND WESTERLY by a line parallel to and two hundred (200) feet southerly, southwesterly, and westerly of a portion of Plymouth Street centerline;
 SOUTHEASTERLY by a line parallel to and two hundred (200) feet northwesterly of Roseen Road centerline and said extended both northeasterly and southwesterly;
 WESTERLY by a line parallel to and two hundred (200) feet easterly of a portion of South Franklin Street centerline;
 NORTHERLY by a line parallel to and seven hundred (700) feet southerly of a line, said line being the easterly extension of Adams Street centerline;
 WESTERLY AGAIN by a line parallel to and three hundred (300) feet easterly of a portion of South Franklin Street centerline;
 NORTHERLY AGAIN by a portion of the easterly extension of Adams Street centerline;
 WESTERLY by a line parallel to and four hundred (400) feet easterly of a portion of South Franklin Street centerline to a point in the southerly line of lot #21-168-1;
 NORTHERLY by the southerly line of lot #21-168-1 to the southeasterly corner of lot #21-168-1;
 WESTERLY by the easterly line of lot #21-168-1 to the northeasterly corner of lot #21-168-1;
 SOUTHERLY by the northerly line of lot #21-168-1 to a point four hundred (400) feet easterly of a portion of South Franklin Street centerline;
 AND FINALLY WESTERLY AGAIN by a line parallel to and four hundred (400) feet easterly of a portion of South Franklin Street centerline. Amended: ATM/May 2, 1994/ART. 16

3.4 RESIDENTIAL III DISTRICTS

- 3.41 In Northwest Holbrook, north of Union Street and west of North Franklin Street beginning approximately eleven hundred (1100) feet east of Centre Street bounded:
- NORTHERLY by a portion of the Braintree-Holbrook municipal boundary;
 EASTERLY by a line parallel to and four hundred (400) feet westerly of a portion of North Franklin Street centerline;
 NORTHWESTERLY by a portion of the Boston Edison Company right-of-way centerline;
 GENERALLY EASTERLY by a portion of North Franklin Street centerline;
 SOUTHWESTERLY by Elm Avenue centerline and said centerline extended northwesterly;
 SOUTHEASTERLY by a line, said line being a portion of Maple Avenue centerline that runs in a northeast-southwest direction and said;
 SOUTHERLY AND EASTERLY by a portion of Linfield Street centerline;
 SOUTHERLY by a portion of Union Street centerline;
 WESTERLY from a point in Union Street centerline, directly opposite the southwesterly corner of lot #14-179, to a point in the westerly line of lot #14-179 two hundred (200) feet northerly from said Union Street centerline;
 SOUTHERLY AGAIN by a line parallel to and two hundred (200) feet northerly of a portion of Union Street centerline, to a point in the easterly line of lot #14-185;
 EASTERLY by the easterly line of lot #14-185 to the southeasterly corner of lot #14-185;
 SOUTHERLY by the northerly line of lot #14-184 and a line extended to the centerline of Cedar Hill centerline;
 EASTERLY by the centerline of Cedar Hill Road to a point directly opposite the southeasterly corner of lot #14-89;
 SOUTHERLY by a line extended from the centerline of Cedar Hill Road and the southerly line of lots #14-89, #14-88 and #14-87 to a point in the easterly line of lot #14-91;
 WESTERLY by the westerly line of lot #14-91 to the southeasterly corner of lot #14-92;
 SOUTHERLY by the southerly line of lot #14-92 to a point in the easterly line of lot #14-93;
 WESTERLY by the westerly line of lot #14-92 to a point two hundred (200) feet northerly of Union Street centerline;
 SOUTHERLY by a line parallel to and two hundred (200) feet northerly of Union Street centerline to a point in the easterly line of lot #13-20;

EASTERLY by the easterly line of lots #13-20 and #13-19 extended to Union Street centerline;
 SOUTHERLY AGAIN by a portion of Union Street centerline;
 GENERALLY NORTHWESTERLY by a portion of Centre Street centerline;
 NORTHERLY by a line parallel to and two hundred (200) feet northerly of Westdale Road centerline and said centerline extended easterly;
 EASTERLY by a line parallel to and six hundred (600) feet easterly of Hill Road centerline and said centerline extended both northerly and southerly;
 NORTHWESTERLY by a portion of the Boston Edison Company right-of-way centerline;
 AND FINALLY WESTERLY by a line parallel to and two hundred (200) feet westerly of Dianthus Road centerline extended both northerly and southerly. *Amended: ATM/May 8, 2000/Art. 51 Amended: ATM/Sept. 25, 2000/Art 32.*

- 3.42 An area in Southwest Holbrook south of King Road and west of South Franklin Street beginning at a point on South Franklin Street centerline; which point is one thousand seven hundred (1700) feet southerly of the intersection of Adams Street centerline extended and South Franklin Street centerline, bounded:
 GENERALLY EASTERLY by a portion of South Franklin Street centerline;
 SOUTHEASTERLY by a line, said line being a southwesterly extension of Collins Road centerline;
 NORTHEASTERLY by a line parallel to and five hundred (500) feet southwesterly of a portion of South Franklin Street centerline;
 NORTHWESTERLY by a line parallel to and two hundred (200) feet northwesterly of a portion of Hillsdale Road centerline;
 GENERALLY EASTERLY by a portion of South Franklin Street centerline;
 SOUTHERLY by Franklin Terrace centerline and said centerline extended westerly;
 WESTERLY by a line parallel to and five hundred (500) feet westerly of a portion of South Franklin Street centerline;
 SOUTHWESTERLY by a line parallel to and two hundred (200) feet southwesterly of a portion of Shirley Street centerline;
 SOUTHERLY by a line parallel to and two hundred (200) feet southerly of a portion of Grove Avenue centerline;
 CONTINUING SOUTHERLY by a line parallel to and four hundred (400) feet southerly of a portion of Hillsdale Road centerline;
 GENERALLY SOUTHWESTERLY by a portion of the thread of Trout Brook;
 SOUTHEASTERLY by a portion of Border Road centerline and said centerline extended northeasterly;
 NORTHEASTERLY AND SOUTHEASTERLY by a line parallel to and two hundred (200) feet northeasterly and southeasterly of a portion of Kalmia Road centerline;
 NORTHEASTERLY by a line, said line being a portion of the southeasterly extension of Indian Road centerline;
 SOUTHEASTERLY by Cypress Road centerline and said centerline extended both northeasterly and southwesterly;
 GENERALLY NORTHEASTERLY by a line parallel to and four hundred (400) feet generally northeasterly of a portion of South Street centerline;
 SOUTHEASTERLY by a line parallel to and three hundred (300) feet southeasterly of Leonard Street centerline and said centerline extended northeasterly;
 SOUTHWESTERLY by a line parallel to and four hundred (400) feet southwesterly of a portion of South Street centerline;
 SOUTHEASTERLY AGAIN by a line parallel to and six hundred (600) feet southeasterly of a portion of Spring Street centerline to a point in the northeasterly line of lot #50-11-1;
 NORTHEASTERLY by the northeasterly line of lot #50-11-1 to the southeasterly corner of lot #50-11-1;
 SOUTHEASTERLY by the southeasterly line of lot #50-11-1 and #50-12, continuing directly across Spring Lane to the southeasterly corner of lot #50-9-4;
 SOUTHWESTERLY by the southwesterly line of lots #50-9-4 and #50-6 to the most southerly point of lot #50-3-1;
 NORTHWESTERLY by the northwesterly line of lot #50-6, a distance of approximately one hundred eighteen and seventy hundredths (118.70) feet to the southeasterly corner of lot #50-3-1;
 SOUTHWESTERLY by the northeasterly line of lot #50-3-1 to the southeasterly corner of lot #50-4;
 SOUTHEASTERLY by the southeasterly line of lot #50-4;
 SOUTHWESTERLY by the southwesterly line of lot #50-4 to a point in the centerline of a portion of Spring Street centerline opposite the northwesterly corner of lot #50-4
 GENERALLY NORTHERLY AND NORTHWESTERLY by the centerline of a portion of Spring Street to a point opposite the southwesterly corner of lot #45-9;
 SOUTHWESTERLY by the southwesterly line of lot #45-9 to a point two hundred (200) feet from the centerline of a portion of Spring Street;
 NORTHWESTERLY by a line parallel to and two hundred (200) feet northwesterly of a portion of Spring Street centerline.
ATM/May 2, 1994/ART. 14
 SOUTHWESTERLY AGAIN by a line parallel to and two hundred (200) feet southwesterly of a portion of South Street

centerline;

SOUTHERLY by a line parallel to and six hundred (600) feet southerly of Teed Road centerline and said centerline extended westerly;

WESTERLY by a line parallel to and two hundred (200) feet westerly of Arbor Road centerline and said centerline extended both northerly and southerly;

NORTHERLY by a line parallel to and two hundred (200) feet northerly of a portion of Teed Road centerline and said centerline extended westerly;

GENERALLY WESTERLY by a line parallel to and two hundred (200) feet generally westerly of a portion of South Street centerline;

NORTHEASTERLY by a line, said line, being the northwesterly extension of that portion of Border Road centerline running between Hemlock Road and Summit Road;

GENERALLY WESTERLY by a portion of South Street centerline;

SOUTHEASTERLY by a line parallel to and two hundred (200) feet southeasterly of Lincoln Avenue centerline;

SOUTHWESTERLY by a line parallel to and two hundred (200) feet southwesterly of a portion of Jefferson Road centerline and said centerline extended southeasterly;

SOUTHEASTERLY AGAIN by a line parallel to and two hundred (200) feet southeasterly of a portion of Washington Circle centerline;

GENERALLY WESTERLY by a line parallel to and one hundred fifty (150) feet generally easterly of a portion of the New York, New Haven & Hartford right-of-way centerline;

GENERALLY NORTHEASTERLY by a portion of South Street centerline;

NORTHWESTERLY by the northwesterly property line of the Holbrook-Randolph Water Department;

NORTHEASTERLY by the northeasterly property line of the Holbrook-Randolph Water Department;

WESTERLY by a portion of the westerly property line now or formerly of Deane Building Assoc., Inc.;

NORTHERLY by a line approximately parallel to and six hundred (600) feet northerly of a portion of North Shore Road centerline;

EASTERLY AGAIN by the easterly property line now or formerly of Deane Building Assoc., Inc.;

NORTHERLY AGAIN by the northerly property line now or formerly of Deane Building Assoc., Inc.;

WESTERLY AGAIN by the westerly property line now or formerly of Deane Building Assoc., Inc. for a distance of ninety-nine and eight one-hundredths (99.08) feet;

NORTHERLY AGAIN by a line generally parallel to a portion of North Shore Road, Fagus Road, and Leon Road, being the northerly property lines now or formerly of Deane Building Assoc., Inc. Ernest A. and Nancy A. Ferro, C. Joseph and Joseph Edward Duggan, Edward P. and Martha Michalski, William F. Burke, Hugh A. and Helen J. Oleson, Joseph Compagnone and Celestino DiLibero, Kenneth and Catherine Hayden, Deane Building Assoc., Inc., Miriam R. Gourley, Deane Building Assoc., Inc., Fred A. Gourley, Stephen J. Wencek, and Deane Building Assoc., Inc. for three courses for a total distance of about one thousand seven hundred five (1705) feet;

EASTERLY AGAIN by the easterly property line now or formerly of Deane Building Assoc., Inc. for a distance of about one hundred forty (140) feet;

NORTHEASTERLY AGAIN by the northeasterly property line now or formerly of Deane Building Assoc., Inc. for a distance of about seventy (70) feet;

NORTHERLY AGAIN by the northerly property line now or formerly of Miriam R. Gourley for a distance of about seventy-six (76) feet;

NORTHEASTERLY AGAIN by the northeasterly property lines now or formerly of Miriam R. Gourley and Deane Building Assoc., Inc. for a distance of about one hundred ninety-four (194) feet;

NORTHERLY AGAIN by the northerly property line now or formerly of James J. Lucier for a distance of about two hundred fifty-three (253) feet;

EASTERLY AGAIN by the easterly property line now or formerly of James J. Lucier for a distance of about eighty-two (82) feet;

NORTHERLY AND SLIGHTLY NORTHEASTERLY by the northerly line of lot #27-17-2 for a distance of approximately five hundred six (506) feet, to the northeasterly corner of said lot;

NORTHEASTERLY by a line from that corner to a point directly opposite, on the centerline of King Road;

AND FINALLY, GENERALLY NORTHWESTERLY AND NORTHERLY along the centerline of King Road for distance of approximately two hundred sixty-five (265) feet to the point of beginning at the South Franklin Street centerline (and leaving the balance of paragraph 3.42 without change)

Amended: STM/Nov. 15, 1999-Art 31

- 3.43 An area in East Central Holbrook, east of South Franklin Street beginning at South Franklin Street, bounded:
NORTHERLY by a line parallel to and seven hundred (700) feet southerly of a portion of the easterly extension of Adams Street centerline;

EASTERLY by a line parallel to and two hundred (200) feet easterly of a portion of South Franklin Street centerline;

NORTHERLY AGAIN by a line parallel to and two hundred (200) feet northerly of Roseen Road centerline and said centerline extended both westerly and easterly;

EASTERLY AGAIN by a line parallel to and two hundred (200) feet westerly of a portion of Plymouth Street centerline;
 SOUTHERLY by a line said line being a portion of the easterly extension of Roseen Road centerline;
 SOUTHEASTERLY AND SOUTHERLY by a line parallel to and two hundred (200) feet southwesterly and southerly of a portion of Arnold Street centerline;
 EASTERLY by a line parallel to and two hundred (200) feet easterly of portion of Bradford Street centerline;
 SOUTHERLY AGAIN by a line parallel to and two hundred (200) feet southerly of a portion of that part of Rindone Street centerline running in an east west direction and said centerline extended westerly;
 GENERALLY EASTERLY by a line parallel to and two hundred (200) feet generally easterly of a portion of South Franklin Street centerline;
 SOUTHWESTERLY by a line, said line being at a right angle to South Franklin Street centerline, at a point thirteen hundred fifty (1,350) feet southerly of its intersection with Laurel Park centerline;
 AND FINALLY GENERALLY WESTERLY by a portion of South Franklin Street centerline.

- 3.44 An area in East Central Holbrook south of Weymouth Street, beginning at a point approximately five hundred (500) feet northeasterly of Plymouth Street, bounded:
 NORTHWESTERLY by a portion of Weymouth Street centerline;
 NORTHEASTERLY AND NORTHERLY by a line parallel to and two hundred (200) feet northeasterly and northerly of a portion of Pond Street centerline;
 EASTERLY by a line parallel to and fifteen hundred (1500) feet westerly of a portion of the Weymouth-Holbrook municipal boundary;
 SOUTHERLY by a line parallel to and two hundred (200) feet southerly of a portion of Pond Street centerline;
 EASTERLY AGAIN by a line parallel to and two thousand (2000) feet westerly of a portion of the Weymouth –Holbrook municipal boundary;
 SOUTHERLY AGAIN by a line parallel to and two hundred (200) feet southerly of Stevens Drive centerline and said centerline extended easterly;
 NORTHEASTERLY by a line parallel to and two hundred (200) feet northeasterly of a portion of Sycamore Street centerline;
 SOUTHEASTERLY by a line parallel to and sixteen hundred (1600) feet northwesterly of a portion of Plymouth Street centerline and said centerline extended northeasterly, said portion of Plymouth Street being that part running northeast-southwest and intersecting Sycamore Street and Abington Avenue extension;
 SOUTHWESTERLY by a line parallel to and two hundred (200) feet Southwesterly of Loud Road centerline;
 WESTERLY by a portion of Plymouth Street centerline;
 NORTHWESTERLY by a line parallel to and four hundred fifty (450) feet southeasterly of a portion of Weymouth Street centerline;
 AND FINALLY SOUTHWESTERLY again by a line parallel to and five hundred (500) feet northeasterly of a portion of Plymouth Street centerline;
- 3.45 The area along Johns Avenue and Pine Street beginning approximately three hundred (300) feet easterly of North Franklin Street, bounded:
 NORTHERLY by a portion of the Braintree-Holbrook municipal boundary;
 GENERALLY NORTHEASTERLY by a line parallel to and two hundred (200) feet generally northeasterly of a portion of Pine Street centerline;
 SOUTHEASTERLY by a portion of Weymouth Street centerline;
 SOUTHWESTERLY by a line parallel to and five hundred (500) feet northwesterly of a portion of Plymouth Street centerline;
 NORTHWESTERLY by a line parallel to and two hundred (200) feet northwesterly of a portion of Weymouth Street centerline;
 GENERALLY SOUTHWESTERLY by a line parallel to and two hundred (200) feet generally southwesterly of a portion of Pine Street centerline;
 SOUTHERLY by a line parallel to and two hundred (200) feet southerly of a portion of Johns Avenue centerline;
 AND FINALLY WESTERLY by a line parallel to and three hundred (300) feet easterly of a portion of North Franklin Street centerline.
- 3.46 An area in Southern Holbrook around South Street, South Franklin Street and Linwood Street beginning at a point on the centerline of Linwood Street and on the Brockton-Holbrook municipal boundary;
 SOUTHEASTERLY by a portion of the Brockton-Holbrook municipal boundary;
 SOUTHWESTERLY by a line parallel to and eleven hundred (1100) feet northeasterly of a portion of the Holbrook Avon municipal boundary;
 NORTHWESTERLY by a line parallel to and two hundred (200) feet northwesterly by a portion of Howard Avenue centerline;
 NORTHWESTERLY AGAIN by a line parallel to and thirteen hundred fifty (1350) feet northeasterly of a portion of the Avon-Holbrook municipal boundary;
 NORTHWESTERLY AGAIN by a line parallel to and six hundred (600) feet northwesterly of a portion of the Brockton-Holbrook municipal boundary;
 CONTINUING GENERALLY NORTHWESTERLY by a line parallel to and five hundred (500) feet northwesterly of a portion

of South Franklin Street centerline;
 SOUTHWESTERLY by a line parallel to and two hundred (200) feet southwesterly of a portion of Upland Road centerline and said centerline extended northwesterly;
 NORTHWESTERLY by a line, said line being at right angles to South Street centerline at a point two hundred (200) feet northwesterly of its intersection with Richard Road centerline;
 NORTHEASTERLY by a line parallel to and two hundred fifty (250) feet northerly of the South Street centerline;
 SOUTHEASTERLY by a line on the northeast side of and perpendicular to the South Street centerline at a point on the South Street centerline one thousand thirty (1030) feet westerly of the intersection of the South Franklin Street centerline and the South Street centerline;
 NORTHEASTERLY by a portion of the South Street centerline for a distance of one hundred ten (110) feet;
 NORTHWESTERLY by a line on the northeast side of and perpendicular to the South Street centerline at a point on the South Street centerline nine hundred twenty (920) feet westerly of the intersection of the South Franklin Street centerline and the South Street centerline;
 NORTHEASTERLY by a line parallel to and two hundred fifty (250) feet northeasterly of the South Street centerline;
 SOUTHEASTERLY by a line on the northeast side of and perpendicular to the South Street centerline at a point on the South Street centerline five hundred (500) feet westerly of the intersection of the South Franklin Street centerline and the South Street centerline;
 NORTHEASTERLY AGAIN by a portion of South Street centerline;
 SOUTHEASTERLY by a line parallel to and three hundred (300) feet northwesterly of a portion of South Franklin Street centerline;
 GENERALLY NORTHEASTERLY by a portion of a thread of a stream that runs in a branch of Trout Brook crossing South Franklin Street northeasterly of Upland Road;
 NORTHWESTERLY by a line, said line being at right angles to Linwood Street centerline at a point two hundred fifty (250) feet southeasterly of its intersection with South Franklin Street centerline;
 NORTHEASTERLY along the centerline of Linwood Street to the point of beginning.

Amended: STM/December 10, 1990/Art. 18

- 3.47 An area in Central Holbrook east of North Franklin Street, with all lot references as shown and numbered on the Assessor's Maps of the Town of Holbrook and bounded:
 NORTHERLY by a portion of the Boston Edison Company right-of-way centerline;
 GENERALLY EASTERLY by a line parallel to and two hundred (200) feet generally easterly of a portion of North Franklin Street centerline;
 NORTHERLY AND EASTERLY by a line parallel to and two hundred (200) feet northerly and easterly of a portion of Belcher Street centerline;
 NORTHERLY AND EASTERLY AGAIN by a line parallel to and two hundred (200) feet northerly and easterly of a portion of Wright Avenue centerline;
 GENERALLY NORTHEASTERLY by a line parallel to and two hundred feet generally of a portion of Plymouth Street centerline;
 SOUTHEASTERLY by a line, said line being at a right angle of Plymouth Street centerline two hundred fifty (250) feet northwest of its intersection with Weymouth Street centerline;
 GENERALLY SOUTHWESTERLY by a line parallel to and two hundred (200) feet southwesterly of a portion of Plymouth Street centerline;
 WESTERLY by a portion of the westerly line of lot #27-28-1 to the centerline of Plymouth Street;
 SOUTHERLY by the centerline of Plymouth Street to the intersection of Plymouth and Belcher Streets;
 WESTERLY by the centerline of a portion of Belcher Street to a point opposite the northeast corner of lot #15-140 at the centerline of School Street;
 SOUTHERLY by the centerline of School Street;
 WESTERLY by the centerline of North Franklin Street;
 NORTHERLY by the southerly line of Lot #15-121;
 WESTERLY by the easterly line of Lot #15-121;
 SOUTHERLY by the northerly line of Lot # 15-121;
 AND FINALLY GENERALLY WESTERLY by a portion of North Franklin Street centerline to the Boston Edison Company right-of-way centerline at the point of beginning. *Amended: STM/Sept. 26, 2005/Art. 42*
- 3.48 An area in West Central Holbrook south of Union Street and west of South Franklin Street, beginning at a point on Union Street centerline at the westerly property line of the Union Cemetery, bounded:
 NORTHERLY by a portion of Union Street centerline running in an easterly direction;
 EASTERLY by a portion of Pleasant Street centerline;
 NORTHERLY AGAIN by a portion of Snell Street centerline;
 EASTERLY AGAIN by a line parallel to and three hundred fifty (350) feet westerly of a portion of South Franklin Street centerline;

SOUTHERLY by a portion of the Southerly property line now or formerly of Lawrence and Mary Duggan for a distance of about five hundred twenty (520) feet;

WESTERLY by a portion of the westerly property line now or formerly of Lawrence and Mary Duggan for a distance of seventy-two (72) feet;

SOUTHERLY AGAIN by the southerly property lines now or formerly of Anthony C. and Francis Eosue, Donald F. and Evelyn C. Pizzi, Leslie and Frances MacWilliams and John M. and Marjorie F. Ohan, totaling about seven hundred ninety (790) feet;

WESTERLY AGAIN by the westerly property lines now or formerly of John M. and Marjorie F. Ohan and Manoog and Isabel Ohan for a distance of seven hundred twenty-three and thirty-one hundredths (723.31) feet;

SOUTHERLY AGAIN by a portion of Union Cemetery property line;

WESTERLY AGAIN by a portion of Union Cemetery westerly property line;

SOUTHERLY AGAIN by a portion of Union Cemetery southerly property line;

WESTERLY AGAIN by a portion of Union Cemetery westerly property line;

NORTHERLY AGAIN by a portion of Union Cemetery northerly property line;

AND FINALLY WESTERLY AGAIN by a portion of Union Cemetery westerly property line to the point of beginning.

- 3.49 An area along the westerly boundary of the Town of Holbrook southwest of South Street beginning at the Randolph line bounded: NORTHEASTERLY by portion of South Street centerline; GENERALLY EASTERLY by a line parallel to and one hundred fifty (150) feet generally easterly of a portion of the New York, New Haven and Hartford Railroad centerline; SOUTHEASTERLY by a line, said line being the Southwesterly extension of a line parallel to and two hundred (200) feet southeasterly of a portion of Washington Circle centerline; GENERALLY SOUTHERLY by a line parallel to and three hundred (300) feet generally south of a portion of Windemere venue centerline; AND FINALLY NORTHWESTERLY by a portion of Randolph-Holbrook municipal boundary. *Amended: ATM/May 16, 1988/Art 40*
- 3.49.1 All those areas in Central Holbrook delineated as Residential III Districts as shown on a map entitled "Proposed Revisions to Zoning Map-Town Center-Holbrook, MA" dated February 22, 1990, which Map is hereby made a part of the By-Law and that said map entitled "Proposed Revisions to Zoning Map-Town Center-Holbrook, MA" be adjusted and changed to reflect the aforesaid amendment. *Amended: STM/March 26, 1990/Article 12*
- 3.49.2 Along the westerly side of South Franklin Street, north of South Street at the intersection with Laurel Park bounded: NORTHWESTERLY by a line parallel to and two hundred (200) feet northeasterly of the centerline of Laurel Park; GENERALLY SOUTHEASTERLY by a portion of South Franklin Street centerline to a point directly opposite the southeasterly corner of lot #47-6; SOUTHERLY BUT GENERALLY SOUTHWESTERLY by a line from said point running along the abutting line between lot #47-6 and lot #47-6-2 to the southwesterly corner of lot #47-6; SOUTHEASTERLY by the abutting line between lot #47-6-2 and lot #47-7 to a point directly opposite the southwesterly corner of lot #47-6-2; SOUTHWESTERLY by a line parallel to and three hundred (300) feet southwesterly of the centerline of Laurel Park to the boundary #41-62-47-9; SOUTHERLY by a line from said point running along the abutting line between Lot # 41-62-47-9 and Lot #47-11; CONTINUING SOUTHERLY on the abutting line between lot #41-62-47-9 and lot #46-125; THEN CONTINUING SOUTHWESTERLY on the abutting line between Lot #41-62-47-9 and Lot #46-125; THEN CONTINUING NORTHWESTERLY on the abutting line between Lot #41-62-47-9 and Lot #46-125; THEN CONTINUING SOUTHEASTERLY on the abutting line between lot #41-62-47-9 and lot #41-61; AND FINALLY GENERALLY NORTHWESTERLY by a line parallel to and five hundred (500) feet Water Street; SOUTHEASTERLY by a portion of the Water Street centerline to a point directly opposite the southeasterly corner of Lot #13-11; SOUTHWESTERLY and generally southerly by the southwesterly and generally southerly line of lots #13-11, 13-11-1, #13-10, #13-9, #13-8, #13-7, and #13-6 to the southwesterly corner of lot #13-6; SOUTHWESTERLY AGAIN by the southwesterly line of lot #13-6 to a point in the centerline of a portion of Union Street, directly opposite the northwesterly corner of lot #13-6; NORTHERLY by a portion of Union Street centerline to the point of beginning. *Amended: ATM/May 1, 1995/Art. 40*
- 3.49.4 Beginning at a point near the northeast end of Old English Road thence; S 86E12°02'W A distance of one-hundred sixty-six and 62/100ths (166.62') feet thence turning and running; S12E47°02'W A distance of four-hundred sixty-eight and 40/100ths (468.40') feet, thence turning and running; N32E44°25'W A distance of two-hundred seventy-nine and 64/100ths (279.64') feet, thence turning and running; N36E21°41'W A distance of nine-hundred eighteen and 49/100ths (918.49) feet thence turning and running;

N59E33'19"E A distance of three-hundred thirty and 04/100ths (330.04') feet thence turning and running;
 S82E29'10"E A distance of one-hundred four (104+/-) feet, more or less to the centerline of the Cochato River, thence;
 Following the centerline of the Cochato River in a southeasterly direction for sixteen-hundred forty (1640+/-) feet, more or less thence turning and running;
 N65E10'58"W A distance of forty-nine (49.00+/-) feet, more or less thence turning and running;
 N71E09'58"W A distance of two-hundred seventy-nine and 10/100ths (279.10') feet, thence turning and running;
 N13E51'02"E A distance of one-hundred seventy and 83/100ths (170.83') feet, thence turning and running;
 N78E39'58"W A distance of twenty-four and 49/100ths (24.49') feet, thence turning and running;
 N11E20'02"E A distance of one-hundred and 00/100ths (100.00') feet, thence turning and running;
 N78E39'58"W A distance of one-hundred and 00/100ths (100.00') feet, thence turning and running;
 N11E20'02"E A distance of forty and 36/100ths (40.36') feet, to the point of beginning. Amended: STM/May 17, 2004/Art.8
 Amended: STM/January 9, 2006?art. 12

RESIDENTIAL IV DISTRICTS

- 3.51 Along the westerly side of South Franklin Street north of South Street, bounded:
 NORTHERLY by Franklin Terrace centerline and said centerline extended westerly;
 GENERALLY SOUTHEASTERLY by a portion of South Franklin Street centerline;
 SOUTHWESTERLY by a line parallel to and two hundred (200) feet northeasterly of the centerline of Laurel park;
 AND FINALLY GENERALLY NORTHWESTERLY by a line parallel to and five hundred (500) feet generally northwesterly of a portion of the South Franklin Street centerline to the point of beginning. Amended: ATM/May 1, 1995/Art. 41
- 3.52 An area in Southern Holbrook along the northeast side of Linwood Street:
 Beginning at a point which is approximately seven hundred (700) feet northeasterly from the centerline of Linwood Street measured at northeasterly from the centerline of Linwood Street measured at right angles to said centerline, which point on said centerline is two hundred fifty (250) feet southeasterly of its intersection with South Franklin Street centerline; hence extending from said point of beginning southeasterly along a line which is northeasterly of and seven hundred (700) feet parallel to the centerline of Linwood Street for a distance of approximately one thousand thirty (1030) feet to a point on the Brockton-Holbrook municipal boundary;
 SOUTHEASTERLY along the Brockton-Holbrook municipal boundary for a distance of approximately seven hundred (700) Feet to a point on the Linwood Street centerline;
 SOUTHWESTERLY along the centerline of Linwood Street for a distance of approximately one thousand thirty (1030) feet to a point being two hundred fifty (250) feet from the centerline intersection of South Franklin Street and Linwood Streets;
 NORTHWESTERLY by a line approximately seven hundred (700) feet, said line being at right angles to Linwood Street centerline at a point two hundred fifty(250) feet southeasterly of its intersection with South Franklin Street centerline to the point of beginning.
- 3.53 Now Residential I in accordance with 3.2 Residential I Districts
 Amended: ATM/May 1, 1995/Art. 39
- 3.54 An area in Central Holbrook, the easterly boundary of which is located about eleven hundred eighty (1180) feet west of South Franklin Street centerline in the vicinity of a private way known as Technical Park Drive, extended westerly for a distance of about one thousand seven hundred twenty (1720) feet containing an area of about twenty-six (26) acres, beginning at a point on the southerly property line now or formerly of Leslie and Frances MacWilliams where the westerly property line of Lodenfrey, Ltd. Intersects same, bounded:
 EASTERLY by a line generally parallel to and about one thousand one hundred eighty (1180) feet westerly of South Franklin Street centerline for a distance of about seven hundred twenty (720) feet;
 SOUTHERLY by a line generally parallel to a portion of Leon Road, Fagus Road, and North Shore Road being the northerly property lines now or formerly of Deane Building Assoc., Inc., Stephen J. Wencek, Fred A. Gourley, Deane Building Assoc., Inc., Miriam R. Gourley, Deane Building Assoc., Inc., Kenneth and Catherine Hayden, Joseph Compagnone and Celestino DiLiberio, Hugh A. and Helen J. Oleson, William F. Burke, Edward P. and Martha Michalski, C. Joseph and Joseph Edward Duggan, Ernest A. and Nancy A. Ferro and Deane Building assoc., Inc. in three courses for a distance of about one thousand seven hundred five (1705) feet;
 WESTERLY by the easterly property line of Wright Bros. Realty, Inc. for a distance of about seven hundred twenty (720) feet;
 AND FINALLY NORTHERLY by the southerly property lines now or formerly of Lewis C. and Alfred S. Wright, John M. and Marjorie F. Ohan, and a portion of the southerly property line now or formerly of Leslie and Frances M. MacWilliams for a distance of about one thousand seven hundred twenty (1720) feet to the point of beginning.
- 3.55 Deleted: ATM/May 1, 1995/Art. 42

3.56 An area in West Central Holbrook South of Union Street and extending to the Cochato River bounded by:

Beginning at a point on the Easterly lot line of #20-20 and running thence;
North 76 Degrees 26 Minutes, 37 Seconds West a distance of 520.20 feet to a point thence;
Continuing South 15 Degrees, 33 Minutes, 10 Seconds West, a distance of 261.14 feet to a point, thence;
Continuing South 50 Degrees, 41 Minutes, 51 Seconds West, a distance of 141.20 feet to a point, thence;
Continuing South 3 Degrees, 40 Minutes, 6 Seconds West, a distance of 67.02 feet to a point, thence;
Continuing South 63 Degrees, 46 Minutes, 9 Seconds East, a distance of 90.68 feet to a point, thence;
Continuing North 67 Degrees, 20 Minutes, 57 Seconds East, a distance of 85.63 feet to a point, thence;
Continuing North 22 Degrees, 42 Minutes, 18 Seconds East, a distance 88.98 feet to a point, thence;
Continuing South 74 Degrees, 11 Minutes, 50 Seconds East, a distance of 504.00 feet to a point, thence;
Continuing South 21 Degrees, 6 Minutes, 31 Seconds West, a distance of 527.34 feet to a point, thence;
Continuing South 71 Degrees, 46 Minutes, 26 Seconds East, a distance of 586.86 feet to a point, thence;
Continuing South 18 Degrees, 53 Minutes, 32 Seconds West, a distance of 723.38 feet to a point, thence;
Continuing North 71 Degrees, 34 Minutes, 36 Seconds West, a distance of 1188.86 feet to a point, thence;
Continuing South 19 Degrees, 13 Minutes, 35 Seconds West, a distance of 401.06 feet to a point, thence;
Continuing South 17 Degrees, 27 Minutes, 17 Seconds West, a distance of 267.31 feet to a point, thence;
Continuing South 11 Degrees, 10 Minutes, 57 Seconds West, a distance of 96.38 feet to a point, thence;
Continuing North 65 Degrees, 10 Minutes, 58 Seconds West, a distance of 117.12 feet to the center of the Cochato River, thence;
Following the center line of the Cochato River 49 feet more or less to a point, thence;
Continuing to follow the center line of the Cochato River 1,640 feet more or less, to a point thence;
Continuing South 82 Degrees, 29 Minutes, 10 Seconds East, a distance of 562.76 feet to a point, thence;
Continuing South 82 Degrees, 38 Minutes, 39 Seconds East, a distance of 279.65 feet to a point, thence;
Continuing North 10 Degrees, 49 Minutes, 57 Seconds East, a distance of 464.68 feet to a point, thence;
Continuing North 20 Degrees, 20 Minutes, 42 Seconds West, a distance of 140.78 feet to a point, thence;
Continuing South 75 Degrees, 35 Minutes, 59 Seconds East, a distance of 73.02 feet to a point, thence;
Continuing North 31 Degrees, 7 Minutes, 15 Seconds East, a distance of 515.45 feet to a point, thence;
Continuing South 74 Degrees, 12 Minutes, 9 Seconds East, a distance of 52.46 feet to a point, thence;
Continuing North 13 Degrees, 33 Minutes, 23 Seconds East, a distance of 273.36 feet to a point and the place of beginning.
Amended: STM/May 17, 2004/Art. 8

3.6 BUSINESS I DISTRICT

- 3.61 An area in North Central Holbrook both sided of North Franklin Street, bounded:
GENERALLY NORTHERLY by a portion of the Braintree-Holbrook municipal boundary;
EASTERLY by a line parallel to and three hundred (300) feet easterly of a portion of North Franklin Street centerline;
SOUTHEASTERLY by a portion of the Boston Edison Company right-of-way centerline;
WESTERLY by a line parallel to and four hundred (400) feet westerly of a portion of North Franklin Street centerline to a point in the southerly line of lot #3-111-1;
NORTHERLY by the southerly line of lot #3-111-1 to the southwesterly corner of lot #3-111;
WESTERLY by the westerly line of lot #3-111;
SOUTHERLY by the southerly line of lot #3-109 to a point four hundred (400) feet westerly of a portion of North Franklin Street centerline;
AND FINALLY WESTERLY by a line parallel to and four hundred (400) feet westerly of North Franklin Street centerline.
Amended: ATM/May 2, 1994/Art. 15
- 3.62 An area in West Central Holbrook, on both sides of Union Street, westerly of the Union Cemetery and bounded:
EASTERLY from a point in the centerline of a portion of Union Street, to a point in the sideline of Union Street and then continuing in a line by the easterly lot line of lot #14-100 a distance of one hundred thirty three and fifty one-hundredths (133.50) feet to the southeasterly corner of lot #14-100;
SOUTHERLY by the rear line of lot #14-100 for a distance of ninety and fifty one-hundredths (90.50) feet to the southwesterly corner of lot #14-100 and a point on the sideline of lot #14-99;
EASTERLY by then easterly line of lot #14-99 to the northeast corner of lot #20-19;
Amended: STM/May 17, 2004/Art. 5
EASTERLY by the easterly line of lots #20-19, #20-20 and #20-21 to the southeasterly corner of lot #20-21;
SOUTHERLY by the southerly line of lots #20-21 and #13-14 to the southwesterly corner of lot #13-14;
WESTERLY by the westerly line of lot #13-14;
SOUTHERLY by the southerly line of lot #13-14 to a point in the easterly line of lot #19-17;
WESTERLY by the easterly line of lots #19-17, #19-16, #19-16-3, #19-16-1 and #19-16-2 to the northeasterly corner of lot #19-16-2;
SOUTHWESTERLY by the northeasterly line of lot #19-16-2 to a point in the centerline of a portion of Water Street, directly

opposite the northwesterly corner of lot #19-16-2;
 NORTHWESTERLY by a portion of the Water Street centerline to a point in the centerline of Union Street;
 NORTHERLY by a portion of Union Street centerline to a point directly opposite the southeasterly corner of lot #13-19;
 WESTERLY AGAIN by a line extended to the southeasterly corner of lot #13-19 and the easterly line of lot #13-19 and lot #13-20 to a point two hundred (200) feet northerly of Union Street centerline;
 NORTHERLY by a line parallel to and two hundred (200) feet northerly of a portion of Union Street centerline, to a point in the westerly line of lot #14-92;
 EASTERLY by a portion of the easterly line of lot #14-92, to the northwesterly corner of lot #14-91;
 NORTHERLY by the northerly line of lot #14-91 to a point in the westerly line of lot #14-87;
 EASTERLY by the westerly line of lot #14-87 to the northwesterly corner of lot #14-90;
 NORTHERLY AGAIN by the northerly line of lots #14-90 and #14-90-1 extended to a point in the centerline of a portion of Cedar Hill Road;
 WESTERLY by a portion of the centerline of Cedar Hill Road to a point directly opposite the northwesterly corner of lot #14-184;
 NORTHERLY by a line extended from the centerline of Cedar Hill Road and the northerly line of lot #14-184 to a point at the southeasterly corner of lot #14-185;
 WESTERLY by the easterly line of lot #14-185 to a point in this line measuring two hundred (200) feet from a portion of Union Street centerline;
 NORTHERLY by a line parallel to and two hundred (200) feet northerly of a portion of Union Street centerline, to a point in the westerly line of lot #14-179;
 EASTERLY by the westerly line of lot #14-179, extended to the centerline of Union Street;
 SOUTHERLY by a portion of Union Street centerline to a point easterly of the northeasterly corner of lot #14-100 at the point of beginning. *Amended: STM/Sept. 25, 2000/Art. 32 Amended: STM/May 17, 2004/Art. 5*

- 3.63 An area in Central Holbrook both sides of South Franklin Street south of Snell Street bounded:
 NORTHERLY by a portion of Snell Street centerline;
 EASTERLY by a portion of South Franklin Street centerline;
 NORTHERLY AGAIN by a line parallel to and two hundred (200) feet southerly of a portion of Norfolk Road centerline;
 EASTERLY AGAIN by a line parallel to and four hundred (400) feet easterly of a portion of South Franklin Street centerline to a point in the northerly line of lot #21-168-1;
 NORTHERLY by the southerly line of Lot #21-168 to the northeasterly corner of lot #21-168-1;
 EASTERLY by the easterly line of lot #21-168-1 to the southeasterly corner of lot # 21-168-1;
 SOUTHERLY by a line, said line being a portion of the easterly extension of Adams Street centerline;
Amended: ATM/May 2, 1994/Art 16.
 EASTERLY AGAIN by a line parallel to and three hundred (300) feet easterly of a portion of South Franklin Street centerline;
 SOUTHERLY by the southerly line of lot #21-168-1 to a point four hundred (400) feet easterly of a portion of South Franklin Street centerline;
 EASTERLY by a line parallel to and four hundred (400) feet easterly of a portion of South Franklin Street centerline;
 SOUTHERLY by a line parallel to and seven hundred (700) feet southerly of a portion of Adams Street centerline and said centerline extended easterly;
 AND FINALLY WESTERLY by a line parallel to and three hundred fifty (350) feet westerly of a portion of South Franklin Street centerline.
- 3.64 An area in East Central Holbrook around the intersection of Plymouth and Weymouth Streets, bounded:
 NORTHEASTERLY by a line parallel to and five hundred (500) feet northeasterly of a portion of Plymouth Street and Abington Avenue centerline;
 SOUTHEASTERLY by a line parallel to and four hundred fifty (450) feet southeasterly of a portion of Weymouth Street centerline;
 EASTERLY by a portion of Plymouth Street centerline;
 SOUTHWESTERLY by a portion of the John F. Kennedy Elementary School northerly property line;
 WESTERLY AND SOUTHERLY by a line parallel to and four hundred (400) feet westerly and southwesterly of a portion of Plymouth Street centerline;
 AND FINALLY NORTHWESTERLY by a line being at right angles to Plymouth Street centerline at a point two hundred fifty (250) feet northwesterly of its intersection with Weymouth Street centerline.
- 3.65 An area around the intersection of South Franklin Street, South Street, and Linwood Street bounded:
 NORTHERLY by a line said line being at a right angle to South Franklin Street centerline at a point thirteen hundred fifty (1350) feet southerly of its intersection with Laurel Park centerline;
 EASTERLY by a line parallel to and three hundred fifty (350) feet easterly of a portion of South Franklin Street centerline;
 SOUTHEASTERLY by a line, said line being at right angles to Linwood Street centerline at a point two hundred fifty (250) feet southeasterly of its intersection with South Franklin Street centerline;

GENERALLY SOUTHWESTERLY by a portion of the thread of the stream that runs in a branch of Trout Brook that crosses South Franklin Street northeasterly of Upland Road;
 NORTHWESTERLY by a line parallel to and three hundred (300) feet northwesterly of a portion of South Franklin Street centerline;
 SOUTHWESTERLY by a portion of South Street centerline;
 NORTHWESTERLY by a line on the northeast side of and perpendicular to the South Street centerline at a point on the South Street centerline five hundred (500) feet westerly of the intersection of the South Franklin Street centerline and South Street centerline;
 SOUTHWESTERLY by a line parallel to and two hundred and fifty (250) feet northeasterly of the South Street centerline;
 SOUTHEASTERLY by a line on the northeast side of and perpendicular to the South Street centerline at a point on the South Street centerline nine hundred and twenty (920) feet westerly of the intersection of the South Franklin Street centerline and the South Street centerline;
 SOUTHWESTERLY by a portion of the South Street centerline for a distance of one hundred ten (110) feet;
 NORTHWESTERLY by a line on the northeast side of and perpendicular to the South Street centerline at a point on the South Street centerline one thousand and thirty (1030) feet westerly of the intersection of the South Franklin Street centerline and the South Street centerline;
 SOUTHWESTERLY by a line parallel to and two hundred fifty (250) feet northerly of the South Street centerline;
 WESTERLY by a line thirteen hundred (1300) feet westerly of and parallel to South Franklin Street;
 NORTHEASTERLY by a line three hundred (300) feet southwestly of and parallel to the centerline of Laurel Park and the centerline of Laurel Park extended westerly;
 EASTERLY by a line six hundred twenty-five (625) feet westerly of and parallel to South Franklin Street;
 NORTHEASTERLY by a line perpendicular to South Franklin Street centerline at a point nine hundred (900) feet southerly of the intersection of centerline with Laurel Park;
 EASTERLY by a line two hundred twenty-five (225) feet west of and parallel to South Franklin Street;
 NORTHERLY by a line perpendicular to South Franklin Street centerline at a point twelve hundred (1200) feet south of the intersection with the centerline of Laurel Park;
 EASTERLY by a portion of the centerline of South Franklin Street. *Amended: STM/December 10, 1990/Article 18*

- 3.65.1 An area on the westerly side of South Franklin Street south of the Laurel Park intersection and bounded:
 NORTHEASTERLY by a line parallel to and three hundred (300) feet southwestly of the centerline of Laurel Park to a point where it intersects the boundary line for lot #41-62-47-9;
 WESTERLY from this point running along the abutting line of Lot #41-62-47-9 and lot #47-11;
 NORTHERLY by a line running along the Southerly Line of Lot #41-62-47-9;
 GENERALLY SOUTHEASTERLY by a portion of the South Franklin Street centerline;
 SOUTHERLY by a line perpendicular to South Franklin Street centerline at a point twelve hundred feet southerly of the intersection with the centerline of Laurel Park;
 WESTERLY by a line two hundred twenty-five (225) feet west of and parallel to South Franklin Street;
 SOUTHWESTERLY by a line perpendicular to South Franklin Street centerline at a point nine hundred (900) feet southerly of the intersection with the centerline of Laurel Park;
 WESTERLY by a line six hundred twenty-five (625) feet westerly of and parallel to South Franklin Street to the point where the line intersects with lot #41-62-47-9. *Amended: ATM/May 11, 1998/Article 4 Amended: STM/May 23, 2005/Art. 30*
- 3.66 An area in Central Holbrook west of Revere Acres bounded:
 NORTHWESTERLY by a line said line being a southwestly extension of Collins Road centerline;
 NORTHEASTERLY by a portion of South Franklin Street centerline;
 SOUTHEASTERLY by a line parallel to and two hundred (200) feet northwesterly of a portion of Hillsdale Road centerline;
 AND FINALLY SOUTHWESTERLY by a line parallel to and five hundred (500) feet southwestly of a portion of South Franklin Street centerline.

3.7 BUSINESS II DISTRICTS

- 3.71 All those areas delineated as Business II Districts as shown on a map entitled "Proposed Revisions to Zoning Map-Town Center Holbrook, MA" dated February 22, 1990, which Map is hereby made a part of this By-Law.
 Notwithstanding the foregoing Lot #15-93 shown on the Assessor's Maps of the Town of Holbrook shall be changed from Residential III District to Business II District and the map entitled "Proposed Revisions to Zoning Map-Town Center Holbrook, MA" be adjusted and changed to reflect the aforesaid amendment. *Amended: STM/March 26, 1990/Art. 12*
 Also notwithstanding the foregoing Lots #15-124, #15-119, #15-120 and #15-120-1, as shown on the Assessor's Maps of the Town of Holbrook, shall be changed from Business II District to Residential III District, while Lot# 15-121, as shown on the Assessor's Maps of the Town of Holbrook, shall remain in the Business II District and the map entitled "Proposed Revisions to Zoning Map-Town Center, Holbrook, MA" be adjusted and changed to reflect the aforesaid amendment." *Amended: STM/Sept. 26, 2006/Art. 42*

3.72 An area in central Holbrook west of South Franklin Street between a private way known as Technical Park Drive and a private way known as King Road, bounded:
 EASTERLY by a portion of South Franklin Street centerline for a distance of one thousand (1,000) feet, said easterly boundary commencing at a point seven hundred (700) feet south of the intersection of Adams Street centerline extended and South Franklin Street centerline;
 SOUTHERLY AND SOUTHEASTERLY along the centerline of King Road for a distance of about two hundred sixty-five (265) feet to point opposite the northeasterly corner of lot #27-17-2;
 SOUTHWESTERLY by a line from said point on the centerline of King Road to the northeasterly corner of lot #27-17-2;
Amended: STM/Nov. 15, 1999/Art. 31
 SOUTHERLY along the northerly line of lot #27-17-2 to a point on the easterly and slightly northeasterly property line, now or formerly of James J. Lucier. Said point being approximately two hundred twenty-five (225) feet from the centerline of King Road, with all map references being from the Assessors Maps of Town of Holbrook; (and leaving the balance of paragraph 3.72 without change)
 WESTERLY by the easterly property line now or formerly of James J. Lucier for a distance of about eighty-two (82) feet;
 SOUTHERLY by the northerly property line now or formerly of James J. Lucier for a distance of about two hundred fifty-three (253) feet;
 SOUTHWESTERLY AGAIN by the northeasterly property lines now or formerly of Deane Building Assoc., Inc. and Miriam R. Gourley for a distance of about one hundred ninety-four (194) feet;
 SOUTHERLY AGAIN by the northerly property line now or formerly of Miriam R. Gourley for a distance of about seventy-six (76) feet;
 SOUTHWESTERLY AGAIN by the northeasterly property line now or formerly of Deane Building Assoc., Inc. for a distance of about seventy (70) feet;
 WESTERLY by the easterly property line now or formerly of Deane Building Assoc., Inc. for a distance of about one hundred forty (140) feet, and that line extended in a generally northerly direction for a distance of about seven hundred twenty (720) feet to a point, located on the southerly property line now or formerly of Leslie and Frances M. MacWilliams where the westerly boundary of Lodenfrey, Ltd. intersects;
 NORTHERLY by a portion of the southerly property line now or formerly of Leslie and Frances M. MacWilliams and the southerly property lines now or formerly of Donald F. and Evelyn C. Pizzi and Anthony C. and Francis Eosue for a distance of about two hundred fifty-five (255) feet;
 EASTERLY AGAIN by a portion of the westerly property line now or formerly of Lawrence and Mary Duggan for a distance of about seventy-two (72) feet;
 NORTHERLY AGAIN by a portion of the southerly property line now or formerly of Lawrence and Mary Duggan to a point which is three hundred fifty (350) feet westerly of the South Franklin Street centerline;
 EASTERLY AGAIN along a line parallel to and three hundred fifty (350) feet westerly of South Franklin Street centerline for a distance of one hundred ten (110) feet;
 AND FINALLY, NORTHERLY AGAIN by a line parallel to and seven hundred (700) feet south of a portion of Adams Street centerline to the point of beginning.

3.73 BUSINESS VILLAGE DISTRICT

3.73.3 Beginning at a point on the southerly side of Union Street which lies approximately 163 feet East of the intersection of the Easterly sideline of Cedar Hill Road and the Northerly sideline of Union Street hence;
 Continuing South 15 Degrees, 33 Minutes, 10 Seconds West, a distance of 324.0 feet to a point, thence;
 Continuing North 74 Degrees, 26 Minutes, 50 Seconds West, a distance of 50.00 feet to a point, thence;
 Continuing South 15 Degrees, 33 Minutes, 10 Seconds West, a distance of 488.00 feet to a point, thence;
 Continuing North 22 Degrees, 42 Minutes, 18 Seconds East, a distance of 88.98 feet to a point, thence;
 Continuing North 67 Degrees, 20 Minutes, 57 Seconds East, a distance of 85.63 feet to a point, thence;
 Continuing South 63 Degrees, 46 Minutes, 9 Seconds East, a distance of 90.68 feet to a point;
 Continuing South 3 Degrees, 40 Minutes, 6 Seconds West, a distance of 67.02 feet to a point;
 Continuing South 50 Degrees, 41 Minutes, 51 Seconds West, a distance of 141.20 feet to a point, thence;
 Continuing South 15 Degrees, 33 Minutes, 10 Seconds West, a distance of 261.14 feet to a point, thence;
 Continuing North 76 Degrees, 26 Minutes, 37 Seconds West, a distance of 520.20 feet to a point on the Easterly lot line of lot #20-20, thence;
 Continuing North 13 Degrees, 33 Minutes, 23 Seconds West, a distance of 317.27 feet to a point, thence;
 Continuing North 15 Degrees, 23 Minutes, 30 Seconds West, a distance of 68.81 feet to a point, thence;
 Continuing South 73 Degrees, 51 Minutes, 30 Seconds East by the rear line of lot #14-100 for a distance of ninety and fifty one hundredths (90.50) feet, thence;
 Continuing North 15 Degrees, 23 Minutes, 30 Seconds East to a point on the sideline of Union Street and then continuing to the centerline of Union Street, thence;

Continuing South 73 Degrees, 51 Minutes, 30 Seconds East, a distance of 591.04 feet to a point on the Union Street centerline, thence;

Continuing South 15 Degrees, 33 Minutes, 10 Seconds West from the centerline of Union Street to the sideline of Union Street to the point of beginning. *Amended: STM/May 17, 2004/Art. 5*

3.75 BUSINESS/COMMERCIAL

3.75.1 An area in Southeasterly Holbrook at the Holbrook-Weymouth town line, starting at a point in the centerline of Plymouth Street and bounded:

EASTERLY by the Holbrook-Weymouth town line a distance of approximately two thousand six hundred fifty (2,650) feet to a point at the northeasterly corner of lot #36-11 at its junction with the Holbrook-Weymouth town line;

NORTHEASTERLY by a line, said line being parallel to and two thousand six hundred fifty (2,650) feet northeasterly of the centerline of a portion of Plymouth Street to a point in the westerly line of lot #30-1-1;

WESTERLY by the westerly line of Lot #30-1-1 to a point at the northeasterly corner of lot #36-11;

NORTHERLY by the northerly line of lots #36-11 and #36-10 to the centerline of Plymouth Street at a point opposite the most westerly corner of lot #36-10;

SOUTHWESTERLY by the centerline of Plymouth Street to a point opposite the most easterly corner of lot #36-16;

NORTHWESTERLY AND MORE WESTERLY by the southeasterly and more easterly line of lot #36-16 to a point in the northerly line of lot #30-14;

NORTHWESTERLY AGAIN by a line said line being perpendicular to the centerline of a portion of Plymouth Street and extended a distance of five hundred fifty (550) feet from said centerline;

SOUTHWESTERLY by a line parallel to and five hundred fifty (550) feet southwesterly of the centerline of a portion of Plymouth Street to a point in the northerly line of lot #43-2;

NORTHERLY by the northerly line of lot #43-2;

SOUTHWESTERLY by the northeasterly line of lot #36-20 a distance of approximately six hundred (600) feet;

NORTHWESTERLY by the southeasterly line of lot #36-20 a distance of approximately four hundred fifty (450) feet;

NORTHEASTERLY by the southwesterly line of lot #36-20 a distance of approximately four hundred seventeen (417) feet;

NORTHERLY by the northerly line of Lots #43-1 and #42-3-2;

GENERALLY NORTHERLY AND NORTHEASTERLY by a portion of the line of lot #42-5;

EASTERLY by the easterly line of lot #42-5 a distance of approximately forty (40) feet;

NORTHERLY by the northerly line of lot #42-5;

WESTERLY by the westerly line of lots #42-5, #42-4-1 and #42-4-2 to a point in the northerly line of lot #42-3;

NORTHERLY AND SLIGHTLY NORTHWESTERLY by a portion of the northerly line of lot #42-3 to a point at the northeasterly corner of lot #42-2;

SOUTHWESTERLY by the northeasterly line of lot #42-2 to a point in the northwesterly line of lot #52.70;

SOUTHEASTERLY by a portion of the northwesterly line of lot #52-70 to a point in the southwesterly line of lot #43-1-2;

SOUTHWESTERLY by a portion of the southwesterly line of lot # 43-1-2 and #43-1-3 to the southwesterly corner of lot #43-1-3 at a point in the northwesterly line of lot #49-3;

NORTHWESTERLY by a portion of the line of lot #49-3;

SOUTHWESTERLY by the southwesterly line of lot #49-3 to a point in the Holbrook-Abington town line;

SOUTHEASTERLY by the Holbrook-Abington town line to a point at the junction of the Holbrook-Abington- Weymouth town lines;

EASTERLY by the Holbrook-Weymouth town line to the centerline of Plymouth Street at the point of beginning.

Amended: STM/May 4, 1992/Article 21

Beginning at a point three hundred (300) feet southerly of the Union Street centerline on the property line separating the Property now or formerly owned by Stephen L. Wright and Susan J. Wright and property now or formerly owned by Wright Bros. Realty, Inc. bounded:

NORTHERLY for a distance of six hundred eighty (680) feet to the property line of the Holbrook Union Cemetery;

SOUTHERLY in a curve by a portion of land now or formerly of Union Cemetery northern property line, fifty-eight and 56/100 (58.56) feet;

EASTERLY by a portion of land now or formerly of Union Cemetery westerly property line, four hundred ninety –one and 08/100 (491.08) feet;

NORTHERLY AGAIN by a portion of land now or formerly of Union Cemetery southerly line, five hundred four and 50/100 (504.50) feet;

EASTERLY AGAIN by a portion of land now or formerly of Union Cemetery westerly property line, five hundred nine and 42/100 (509.42) feet;

NORTHERLY AGAIN of a portion of land now or formerly of Union Cemetery southerly property line, five hundred eighty-seven and 28/100 (587.28) feet;

EASTERLY AGAIN by a westerly property line now or formerly of Walter J. Berger and Maureen G. Berger, and Michael J. and John M. Ohan, seven hundred twenty-two and 67/100 (722.67) feet;

SOUTHERLY AGAIN by a portion of the northerly property line of land now or formerly of Ramblewood Limited

Partnership, One thousand one hundred eighty-nine and 44/100 (1189.44) feet;
 EASTERLY AGAIN by the westerly property line of land now or formerly of Ramblewood Limited Partnership, seven hundred sixty and 89/100 (760.89) feet;
 SOUTHERLY AGAIN by of the northerly property line of land now or formerly of Ramblewood Limited Partnership and crossing over the Cochato River, Robert C. and Theresa M. Macauley and George E. Richardson, for a distance of three hundred ninety-seven and 93/100 (397.93) feet;
 WESTERLY AGAIN by the easterly property line of land now or formerly of George E. Richardson, Monita Fraser and Wright Bros. Realty, Inc. for a distance of three hundred forty-seven and 12/100 (347.12) feet;
 SOUTHERLY AGAIN by land now or formerly of Wright Bros. Realty, Inc., English Road and the Town of Holbrook, for a distance of three hundred two and 03/100 (302.03) feet;
 EASTERLY AGAIN by the westerly property line of land now or formerly of the Town of Holbrook for a distance of four hundred sixty-seven and 14/100 (467.14) feet;
 SOUTHWESTERLY by the northeasterly property line of land now or formerly of the Town of Holbrook, one thousand one hundred ninety-nine and 05/100 (1199.05) feet;
 NORTHWESTERLY by the easterly property line of land now or formerly of Fanny Marzynski Trust, three hundred twenty-five and 23/100 (325.23) feet;
 NORTHERLY AGAIN and crossing the Cochato River by the southerly property line of land now or formerly of Morlean Realty Trust and land now or formerly of 9-11 Mear Road Trust, eight hundred forty-seven and 98/100 (847.98) feet;
 WESTERLY AGAIN by the easterly property line of land now or formerly of 9-11 Mear Road Trust, five hundred eighty and 76/100 (580.76) feet to the southeast corner of Mear Road;
 WESTERLY AGAIN in the three courses by the end of Mear Road by the easterly property line of land now or formerly of the E-Len Trust Herbert C. Pritchard and Stephen L. and Susan J. Wright, one thousand one hundred eight and 97/100 (1108.97) feet to the point of beginning.

AND ALSO Beginning at a point three hundred (300) feet south of the Union Street centerline on the property line separating the property now or formerly owned by Stephen L. and Susan J. Wright and property now or formerly owned by Wright Bros. Realty, Inc., bounded:
 WESTERLY for a distance of one hundred (100) feet to a point on the property line now or formerly of Alfred L. Wright and James R. Quimby;
 NORTHERLY for a distance of one hundred (100) feet by property now or formerly of Alfred L. Wright and James R. Quimby;
 WESTERLY AGAIN by a line ten (10) feet easterly of the property line of land now or formerly of Harry J. Hopcroft and Barbara E. Hopcraft for a distance of two hundred five and 24/100 (205.24) feet plus, to a point on the Union Street centerline;
 NORTHERLY AGAIN by the Union Street centerline for a distance of two hundred (200) feet;
 EASTERLY for a distance of one hundred eighty-six (186.00) feet plus, by land now or formerly of Wright Bros. Realty, Inc.
 NORTHERLY AGAIN for a distance of three hundred eighty-five and 50/100 (385.50) feet to the Holbrook Union Cemetery Property line;
 EASTERLY AGAIN along the Holbrook Union Cemetery property line for a distance of one hundred fourteen and 84/100 (114.84) feet;
 SOUTHERLY by a line parallel to the Union Street centerline for a distance of six hundred eighty (680) feet to the point of beginning. *Amended: ATM/May 1, 1995/Art. 42*

3.8 INDUSTRIAL DISTRICTS

- 3.81 In the northwestern corner of Holbrook beginning at the Randolph line, bounded:
 NORTHERLY by the Braintree-Holbrook municipal boundary;
 SOUTHEASTERLY by a portion of Center Street centerline;
 GENERALLY NORTHEASTERLY by a portion of the thread of Tumbling Brook;
 EASTERLY by a line parallel to and two hundred (200) feet easterly of the northerly extension of Hill Road centerline;
 SOUTHERLY by a line parallel to and two hundred (200) feet northerly of Westdale Road centerline and said centerline extended westerly;
 GENERALLY SOUTHEASTERLY by a portion of Center Street centerline;
 SOUTHERLY AGAIN by a portion of Union Street centerline;
 AND FINALLY NORTHWESTERLY by a portion of the Randolph-Holbrook municipal boundary. An Area in West Central Holbrook, south of union Street, beginning at the Holbrook-Randolph municipal boundary and bounded:
 NORTHERLY by a portion of Union Street centerline to a point directly opposite the northwesterly corner of lot #13-6;
 NORTHEASTERLY by the southwesterly line of lot #13-6;
 GENERALLY NORTHERLY AND NORTHEASTERLY by the southerly and southwesterly line of lots #13-6, #13-7, #13-8, #13-9, #13-10, #13-11-1 and #13-11 to a point in the centerline of a portion of Water Street, directly opposite the southeasterly corner of lot #13-11;
 SOUTHEASTERLY by a portion of Water Street centerline to a point directly opposite the southeasterly corner of lot

#13-12;
 NORTHEASTERLY by the northeasterly line of lot #19-16-2 to the northeasterly corner of lot #19-16-2;
 GENERALLY EASTERLY by the easterly line of lots #19-16-2, #19-16-1, #19-16-3, #19-16 and #19-17 to a point at the most northwesterly corner of lot #19-9;
 NORTHERLY by the southerly line of lot #13-14;
 EASTERLY by the westerly line of lot #13-14 to a southwesterly corner of Lot #13-14;
 NORTHERLY by the southerly lines of lots #13-14 and #20-21 to a point in the southerly line of lot #20-21;
 SOUTHEASTERLY by the southeasterly line of lot #19-11 and crossing Mear Road to the northeasterly corner of lot #20-24-1;
 EASTERLY by the easterly line of lots #20-24-1 and #20-24 to a point in the northerly line of #14-102-1;
 SOUTHERLY by the northerly line of lot #14-102-1, crossing the Cochatto River to a northwesterly corner of lot #14-102-1;
 SOUTHEASTERLY by the northwesterly line of lots #14-102-1, #25-129, #25-129-2, #25-129-1 to a point in the centerline of a portion of South Street;
 GENERALLY SOUTHWESTERLY by a portion of South Street centerline;
 AND FINALLY NORTHWESTERLY by a portion of the Randolph-Holbrook municipal boundary to the point of beginning. *Amended: ATM/May 2, 1994/Art 17.*
 An area along the westerly boundary of the Town of Holbrook southwest of South Street beginning at the Randolph line bounded:
 NORTHERLY by a line parallel to and three hundred (300) feet generally south of Windemere Avenue centerline;
 NORTHWESTERLY by a line, said line being the Southwesterly Extension of a line parallel to and two hundred (200) feet southeasterly of a portion of Washington Circle centerline;
 NORTHEASTERLY by a line parallel to and two hundred (200) feet southwesterly of Jefferson Road centerline;
 NORTHWESTERLY AGAIN by a line parallel to and two hundred (200) feet southeasterly of Lincoln Avenue centerline;
 GENERALLY EASTERLY of a portion of South Street centerline;
 SOUTHWESTERLY by a line, said line being the northwesterly extension of that portion of Border Road centerline that runs between Valley Road and Summit Road;
 GENERALLY EASTERLY by a line parallel to and two hundred (200) feet generally westerly of a portion of South Street centerline;
 SOUTHERLY by a line parallel to and two hundred (200) feet northerly of a portion of Teed Road centerline;
 EASTERLY by a line parallel to and two hundred (200) feet westerly of Arbor Road centerline and said centerline extended both northerly and southerly;
 NORTHERLY by a line parallel to and six hundred (600) feet southerly of Teed Road centerline and said centerline extended westerly;
 GENERALLY NORTHEASTERLY by a line parallel to and two hundred (200) feet generally southwesterly of a portion of South Street centerline;
 SOUTHEASTERLY by a line parallel to and two hundred (200) feet northwesterly of a portion of Spring Street centerline;
 NORTHEASTERLY by the southwesterly line of lot #45-9 to a point in the centerline of a portion of Spring Street;
 SOUTHEASTERLY AND SOUTHERLY by the centerline of a portion of Spring Street to a point opposite the Northwesterly corner of lot #50-4;
 NORTHEASTERLY by the southwesterly line of lot #50-4;
 NORTHWESTERLY by the southeasterly line of lot #50-4;
 NORTHEASTERLY by the northeasterly line of lot #50-3-1;
 SOUTHEASTERLY by the northwesterly line of lot #50-6 a distance of approximately one hundred eighteen and seventy hundredths (118.70) feet to the southern most point of lot #50-3-1;
 NORTHEASTERLY by the southwesterly line of lots #50-6 and #50-9-4 to the southeasterly corner of lot #50-9-4;
 SOUTHEASTERLY across Spring Lane and the southeasterly line of lots #50-12 and #50-11-1 to a point one hundred Fifty (150) feet from the centerline of a portion of Spring Lane;
 NORTHEASTERLY by a line parallel to and thirteen hundred fifty (1350) feet northeasterly of a portion of the Avon-Holbrook municipal boundary; *Amended ATM/May 2, 1994/Art. 14.*
 SOUTHEASTERLY by a line parallel to and two hundred (200) feet northwesterly of a portion of Howard Avenue centerline;
 NORTHEASTERLY by a line parallel to and eleven hundred (1100) feet northeasterly of a portion of the Avon-Holbrook municipal boundary;
 SOUTHEASTERLY AGAIN by a portion of the Brockton-Holbrook municipal boundary;
 SOUTHWESTERLY, WESTERLY AND SOUTHWESTERLY by the Avon-Holbrook municipal boundary;
 AND FINALLY NORTHWESTERLY by a portion of Randolph-Holbrook municipal boundary.
Amended: ATM/May 16, 1988/Art. 40

3.82 Deleted: STM/May 4, 1992/Art. 21

3.9 RESIDENTIAL V DISTRICTS

- 3.91 An area in Central Holbrook, the westerly boundary of which runs from a point in the southwesterly side line of Reeds Lane, two hundred (200) feet easterly of the centerline of South Franklin Street, then running in a line parallel to South Franklin Street to a point in the southerly property boundary of lot #34-109 two hundred (200) feet easterly of the centerline of South Franklin Street as shown on the Assessors' Maps of the Town of Holbrook (which map will be used for all lot references in this description);
- Then bounded northerly by the southerly property line of lot #34-109 and the southerly terminus of Revere Street, then Northerly again by the southerly property lines of lots #34-110, #34-140, #34-141, #34-142, #34-143, #34-144, #34-145, #34-146, #34-147, #34-148, #34-35-25, #35-26, and #35-27, continuing northerly by the southerly terminus of Bradford Street and the southerly property line of lot #35-28 to a point at the southwesterly property line of lot #35-68;
- Then bounded northeasterly by the southwesterly property lines of lots #35-68 and #42-3 to a point at the northwesterly Property line of lot #52-70;
- Then bounded southeasterly along the northwesterly property line of lot #52-70 to a point at the northeasterly property line of lot #48-2;
- Then bounded southwesterly along the northeasterly property line of lot #48-2, and lot #41-105-1 to a point at the southern most corner of lot #41-133, then continuing along the northeasterly property line of lot #41-105-1 and the southwesterly property line of lots #41-133, #41-132, #41-131, #41-130, #41-129, #41-128, #41-127, and #41-126 to the point that this lot intersects the southwesterly side of Reeds Lane;
- Then bounded southwesterly by the side line of Reeds Lane to the point of beginning. *Amended: STM/Nov. 13, 1989/Art. 10*

SECTION 4: APPLICATION OF REGULATION, MODIFICATIONS AND EXECPTION

- 4.1 No buildings shall be erected or used, and no land shall be used or divided unless in conformity with the regulations of this By-Law. All other buildings and all other uses of land or of buildings are hereby expressly prohibited, except those already lawfully existing which by the provisions of this By-Law become lawfully non-conforming.
- 4.2 When a lot is situated in part in the Town of Holbrook and in part in an adjacent municipality, the provisions of this By-Law shall be applied to the portion of such lot in the Town of Holbrook in the same manner as if the entire lot were situated in Holbrook.
- 4.3 When a lot is transected by a zoning district boundary, the regulations of the By-Law applicable to the larger part by area of such lot may also at the option of the lot owner be deemed to govern in the smaller part beyond such zoning district boundary, but only to an extent not more than thirty (30) linear feet in depth beyond such zoning district boundary.
- 4.4 No building shall be erected except on a lot fronting on a street in any zoning district, and certain buildings as set forth in Section 10.6, paragraph 1, in a Residential IV, Business I, Business II and Industrial I District may be erected on a lot only after approval of a site Plan by the Planning Board as provided in Section 10.3 of this By-Law.
Amended: STM/May 14, 1990/Art. 30
- 4.5 Land within the lines of a street on which a lot abuts shall not be counted as part of such lot for the purpose of meeting the area requirements of this By-Law even though the fee to such land may be in the owners of abutting lots.
- 4.6 Any increase in the area, frontage, width, yard or depth requirements of the By-Law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand (5000) square feet of area and fifty (50) feet of frontage. The provisions of this paragraph shall not be construed to prohibit a lot being built upon if at the time of the building, building upon such a lot is not prohibited by this By-Law.
- 4.7 Any land taken by eminent domain, or conveyed for a public purpose for which the land could have been taken or was taken by eminent domain, shall not be deemed to be transferred in violation of the land area, width and space provisions of this By-Law.

SECTION 5: NON-CONFORMING BUILDINGS AND USES

- 5.1 **NON-CONFORMITY BY INITIAL ENACTMENT OR ANMENDMENT** – The provisions of this section apply to actions in connection with non-conforming uses, buildings and lots as created by the initial enactment of this By-Law or by any subsequent amendment. It is the purpose of this By-Law to discourage the perpetuity of non-conforming uses, whenever possible. The lawful use of any building or land existing at the time of the enactment of this By-Law or by any subsequent amendment may be continued, except as otherwise provided.

- 5.2 EXTENSION AND ALTERATION** – Any nonconforming building or use may be extended or altered by grant of a Special Permit by Board of Appeals provided that there is a finding that such extension or alteration shall not be substantially more detrimental to the neighborhood than the existing building or structure. A single or two family dwelling may be altered or extended without action by the Board of Appeals provided said change does not increase the non-conforming nature of said building and provided that such a use is otherwise permitted under Section 7.3.A. *Amended: STM/March 2, 1993/Art. 9*
- 5.3 RESIDENTIAL LOT OF RECORD** – Any lot lawfully laid out by plan or deed duly recorded which complies (at the time of the recording) with the minimum area, frontage, width and depth requirements, if any, of the Zoning By-Law then in effect, may be built upon for residential use provided it has a minimum area of five thousand (5000) square feet, with a minimum front footage of fifty (50) feet, and is otherwise in accordance with the provisions of Section 6 of the Zoning Enabling Act.
- 5.3.1 SPECIFIC EXEMPTIONS** – Notwithstanding the foregoing Section 5.3, any lot lawfully laid out by plan or deed and duly recorded as a separate lot with the Norfolk Registry of Deeds or filed with the Land Court may be built upon for Residential or Industrial use as determined by the Zoning District in which the lot is sited, provided the lot conforms to the following requirements;
- A) The lot was part of a Subdivision approved by the Holbrook Planning Board subsequent to March 1, 1954 and compiled with the Zoning By-Laws governing the Subdivision, at the time, and has frontage on an accepted street or a traveled way which existed prior to January 1, 1991 and contains a minimum of seven thousand (7,000) square feet of area or,
 - B) Is an existing lot recorded prior to March 1, 1954 with the Norfolk Registry of Deeds or filed with the Land Court and has frontage on an accepted street or a traveled way which existed prior to January 1, 1942 and contains a minimum of seven thousand (7,000) square feet of area. *Adopted: ATM/May 13, 1991/Art. 22*
- 5.4 REDUCTION OR INCREASE** – Any non-conforming lot or non-conforming open space on the lot including yards and setbacks if already smaller than that required shall not be further reduced so as to be in greater non-conformity. No building area or floor area, where already non-conforming, shall be increased so as to be in greater non-conformity. Any off-street parking or loading spaces, of already equal to or less than the number required to serve their intended use, shall not be further reduced in number.
- 5.5 CHANGE-** Any non-conforming use of a building may be changed to another non-conforming use, provided the change use is not substantially more detrimental to the neighborhood as determined by the Board of Appeals. Any non-conforming use which has been once changed to a permitted use or to a another non-conforming use, which has been once changed without approval by the Board of Appeals, based upon their determination that the change is not substantially more detrimental to the neighborhood, to another non-conforming use. Any non-conforming building or lot which has come into conformity shall not again be changed to a non-conforming building or lot.
- 5.6 RESTORATION** – Any non-conforming building or any building occupied by a non-conforming use, which is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor area limitation of the original building and used for its original use in any zoning district or a conforming use.
- 5.7 ABANDONMENT** – Any non-conforming use of a conforming building and lot which has been abandoned for a continuous period of two (2) years.
- 5.8 MOVING** – Any non-conforming building shall not be removed to any other location on the lot or any other lot unless every portion of such building, the use thereof, and the lot shall be conforming. *Amended: STM/May 14, 1990/Art. 29*
- 5.9** Any such structure that is being used as a single-family dwelling or a two-family dwelling, may be increased in size or otherwise without a special permit or other ruling from the Board of Appeals provided the Building Inspector determines, prior to the issuance of a building permit for such addition or alteration, that the addition or alteration will not intensify any existing nonconformities. *STM/May 20, 2002/Art. 37*

SECTION 6: FLOOD PLAIN PROTECTION DISTRICT

- 6.1 PURPOSES** – In addition to the purposes of the By-Law, the purposes of this District are to preserve and protect the streams and other water bodies in the Town of Holbrook; to protect the public health and safety, persons and property against the hazards of flooding; to preserve and maintain the water table within the Town; to assure the continuation of the natural flow pattern of the water courses providing safe and adequate flood water storage and runoff capacity; to protect the community against detrimental uses and developments and to minimize losses by provisions designed to consider flood plain management programs in neighborhood areas.
- 6.2 LOCATION AND BOUNDARIES** – The location and boundaries of the Flood Plain Protection District are shown on a map entitled “Flood Plain Protection District, Holbrook, Mass., 1988”, hereinafter referred to as the Holbrook Flood Plain

Protection District Map which is hereby made a part of this By-Law and which is on file in the office of the Town Clerk. Said District shall include all those areas delineated on said Map. (The areas identified in this District do not necessarily include all wetland areas which might fall within the authority of the Holbrook Conservation Commission under G.L. Chapter 131, Sect. 40)

- 6.3 USE REGULATIONS** – The flood Plain Protection District shall be considered as overlying other districts established by this By-Law. All uses enumerated in Section 6.4 and otherwise permitted by the Zoning By-Law in the portion of the districts so overlaid shall be permitted that, in Flood Plain Protection District:
- 6.3.1. No new building or structure shall be moved into such district, erected or constructed except as provided in sub-section 6.4.6 and 6.7 below.
 - 6.3.2. No existing building or structure shall be moved, altered or enlarged so as to increase its ground coverage by more than a total of twenty (20) percent.
 - 6.3.3. No dumping or filling or relocation of earth materials shall be permitted except as may be required for the uses permitted in sub-sections 6.4.7, 6.4.8 and 6.4.9.
 - 6.3.4. No storage of road salt, fertilizer, mineral, manure or other organic or inorganic chemical leachable material shall be permitted.
- 6.4 PERMITTED USES** –The following uses shall be permitted in the said District subject specifically to paragraphs 6.3.1 through 6.3.4 above as applicable, provided that any and all necessary permits, orders or approvals required by Local, State or Federal Law, except for G.L., C. 131, S40, shall first have been obtained:
- 6.4.1 Uses directly related to the conservation of water, plants and wildlife.
 - 6.4.2 Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.
 - 6.4.3 Wildlife management areas, landing, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.
 - 6.4.4 Grazing and farming, including truck gardening and harvesting of crops
 - 6.4.5 Forestry and nurseries.
 - 6.4.6 Small non-residential structures of less than 100 square feet of floor area used in connection with recreational of the growing, harvesting, storage or sale of crops raised on the premises.
 - 6.4.7 Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
 - 6.4.8 Removal of silt and other accumulated debris from water course which tends to interfere with the natural flow patterns of the water course.
 - 6.4.9 Access driveways to land outside the Flood Plain Protection District not otherwise accessible.
- 6.5 LOT AREA ALLOWANCE** – If any portion of a lot in a Residential I or II District is overlaid by the Flood Plain Protection District, said portion may be used to meet the area requirements for those districts provided that no building or structure may be erected on the portion remaining outside the Flood Plain Protection District unless that portion has a minimum area of 20,000 square feet. If any portion of a lot in a Residential III or IV District is overlaid by the Flood Plain Protection District, the proportion of the lot which may be used to meet the area requirements of the zoning By-Law shall be determined by the Board of Appeals which shall issue a special permit therefore. However, a lot with a dwelling existing thereon at the time of the adoption of the Section shall not be deemed a non-conforming lot because any portion of it lies within the Flood Plain Protection District, provided that if the dwelling itself lies within said District, the dwelling shall be subject to the provisions of sub-section 6.3.2. If any portion of a lot in a Business or Industrial District is overlaid by the Flood Plain Protection District, any use of the lot shall require a special permit from the Board of Appeals.
- 6.6 BOUNDARY LINE PLOT PLAN** – Whenever an application is made for a building permit which the Building Inspector believes may be affected by a Flood Plain Protection District, Holbrook, Mass., 1988”. In the case of a building permit for an interior improvement to a building or structure so located, the boundary line location shall not be required.

- 6.7 DETERMINATION OF FLOODING AND SUITABILITY** – In the event it is proposed to use land within the Flood Plain Protection District or to construct a building or structure thereon otherwise than is specifically permitted by Section 6.3 and application for a special permit for such use, building or structure may be made to the Board of Appeals. If the board determines:
- (a) That the subject land is not subject to flooding; or
 - (b) That the subject land is not suitable because of drainage conditions; and
 - (c) That the use of such land for such use or structure will not interfere with the general purposes for which the District has been established; and
 - (d) That the use of such land for such use or structure will not be detrimental to the public health, safety and/or welfare;
- The Board of Appeals may grant a special permit for such use or structure which will comply in all respects with all other Provisions of the underlying District or Districts within which the land is located, provided that any and all necessary permits, orders or approvals required by local or State law, except for G.L., Chapter 131, Section 40, shall first have been obtained.
- 6.8 REQUIREMENTS FOR UTILITY INSTALLATION** – Any other By-Law or regulation to the contrary, notwithstanding, no construction requiring any utility, including electric, water, gas and telephone lines, or waste disposal or drainage facilities shall be permitted within the District unless the Board of Appeals shall grant a special permit certifying that all utilities as proposed are located, and constructed so as to minimize or eliminate flood damage and that methods of disposal for sewerage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards and prevent pollution.
- 6.9 IN A FLOOD PLAIN PROTECTION DISTRICT** – No new construction, substantial improvements or other land development, shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevations as shown on the map, "Flood Plain Protection District, Holbrook, MA 1988" more than one foot at any point within the Town. New construction and substantial improvements to existing structures shall also be governed by applicable provisions of the State Building Code. The requirements of this section shall be applicable to any use whether permitted as a matter of right, by special permit or by variance. *Adopted: ATM/1966/Art. 30 As Amended: ATM/1988/Art.59*

SECTION 7: USE REGULATIONS

- 7.1** No building, structure, or land shall be used or occupied except for the purposes permitted in the district as set forth in the accompanying Table of Use Regulations as provided elsewhere in this By-Law.
- 7.2** A use listed in Section 7.3 is permitted as of right in any district under which it is denoted by the letter "X". If designated in the Tables by the letters "XA" the use may be permitted as a special exception only if the Board of Appeals so determines and grants a special permit therefore as provided in Section 12 subject to such restrictions as said Board may establish.

7.3 TABLE OF USE REGULATIONS

ZONING DISTRICT

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	Bus/ Vil	Bus/ Com.	Ind	Adult Ent	Asst living Skd/Nrg Care
A. Residential Uses												
1. Detached dwelling on a separate lot occupied by not more than one family	X	X	X	X	X	-	-	-	-	-		
2. One two-family or one duplex dwelling on a separate lot	-	-	-	X	-	-	-	-	-	-		
<i>Amended: ATM/5/12/1986/Art. 40</i>												
3. Apartments (See Sec. 10)	-	-	-	X	-	-	-	-	-	-		
4. Motels & Hotels (See Sec. 10)	-	-	-	-	-	X	X	-	X	-		
B. Institutional, Recreational and Educational Uses												
1. Place of Worship	X	X	X	X	X	X	X	X	X	X		
2. Religious, sectarian and non-sectarian denominational, private or public school not conducted as a private business for gain	X	X	X	X	X	X	X	X	X	X		
3. Governmental buildings and related or supporting facilities including but not limited to libraries and museums	X	X	X	X	X	X	X	X	X	X		
4. Cemeteries	X	X	X	X	X	X	X	X	X	X		
5. Public park or playground, public recreational building or facility	X	X	X	X	X	X	X	X	X	X		
6. Public Utilities	X	X	X	X	X	X	X	X	X	X		

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	Bus/ Vil	Bus/ Com.	Ind	Adult Ent	Asst living Skd/Nrg Care
7. Private non-profit libraries or museums	X	X	X	X	X	X	X	X	X	X		
8. Private non-profit community center building, settlement house, adult education center or other similar facility provided indoor or outdoor noisy activities shall be not less than one hundred (100) feet from any lot line and shall be not detrimental to the neighborhood by reason of noise in any season	X	X	X	X	-	X	X	X	X	X		
9. Hospital, infirmary, nursing home, convalescent home <i>Amended: STM/March 25, 1996/Art. 6</i>	XA	XA	XA	XA	-	XA	-	-	XA	-		
10. Day nursery, nursery school, kindergarten or other agency giving day care to children provided any outdoor play area is screened by fence, wall or planting line and from any neighboring residential structure and is not detrimental to the neighborhood by reason of noise.	X	X	X	X	X	-	-	X	XA	-		
Trade, professional or other school conducted as a private business for gain	-	-	-	-	-	X	X	X	X	X		
11. Private non-profit membership club or lodge	-	-	-	-	-	X	X	-	X	-		
13. Country, golf, swimming, tennis or other recreational facility not conducted as a business for gain	XA	XA	XA	XA	XA	XA	XA	X	XA	XA		
14. Entertainment and recreational facilities operated as a business for gain including but not limited to, restaurants bowling alley, theatre or sport arena or dance hall provided that such use is housed indoors in sound-insulated structure that protects the neighborhood from inappropriate noise in any season	-	-	-	-	-	X	X	X	X	XA		
C. Agricultural Uses												
1. Farms-agricultural, orchard, horticultural or silvicultural	X	X	X	X	X	X	X	X	X	X		
2. Farms-livestock or poultry but not swine provided that any building housing livestock or poultry be not less than one hundred fifty (150) feet from the property boundary	X	X	-	-	-	-	-	-	-	X		
3. One roadside stand per farm for the sale of agricultural or horticultural products the major portion of which are grown or produced on the premises	X	X	X	X	X	X	X	X	X	X		
D. Offices and Laboratory												
Business, financial, professional or governmental offices but no retail business no manufacturing and no processing	-	-	-	-	-	X	X	X	X	-		
2. Offices and clinics for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including only laboratories that are part of such offices or clinic	-	-	-	-	-	X	X	X	X	-		
3. Laboratory or research facility providing that any manufacturing or processing of an accessory nature does not occupy more than twenty-five (25) percent of the gross floor area <i>Amended: STM/Dec. 10, 1990/Art. 17</i>	-	-	-	-	-	-	X	-	X	X		
4. Laboratory or research facility <i>Amended: STM/Dec. 10, 1990/Art. 17</i>	-	-	-	-	-	-	-	-	X	X		
5. Radio or television studio	-	-	-	-	-	X	X	X	X	X		
6. Commercial radio or television transmission facility but not studios and not communications towers and wireless communications towers for transmission of signals to and from portable telephones, cell phones or cellular phones (Section 10.8) <i>Amended: STM/June 19, 2000/Art. 18</i>	-	-	-	-	-	XA	XA	XA	XA	XA		

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	Bus/ Vil	Bus/ Com.	Ind	Adult Ent	Asst living Skd/Nrg Care
E. Retail Business and Consumer Service Establishments												
1. Store for retail sale of merchandise provided all display, storage and sales of materials are conducted within a building and provided there be no manufacturing or assembly on the premises	-	-	-	-	-	X	X	X	X		(XA Subject to Sec. 10.41)	
2. Store for retail sale of merchandise provided all display, storage and sales of materials are conducted within a building which may include manufacturing or assembly on the premises <i>Amended: STM/May 4, 1992/Art 23</i>	-	-	-	-	-	-	-	-	X		(XA Subject to Sec. 10.41)	
3. Space for the manufacture, assembly or packaging of consumer goods provided that at least fifty percent of such merchandise is sold at retail on the premises and that all display, sales, and storage is conducted within a building and further provided that not more than twenty-five percent(25) of the floor area is devoted to the manufacturing, assembly or packaging of consumer goods and that not more than five persons are employed at any one time for the manufacturing, assembly or packaging of such goods. <i>Amended: STM/May 4, 1992/Art. 23</i>	-	-	-	-	-	-	X	XA	X	-		
4. Space for the manufacture, assembly or packaging of consumer goods provided that all display, sales, and storage is conducted within a building and further provided that no business will be allowed that would create a nuisance or hazard to safety, health or environment. <i>Adopted: STM/may 4, 1994/Art.23</i>	-		-	-	-	-	-	-	X	XA		
5. Service businesses, serving local needs, such as barber shops, beauty shops, shoe repair, self-service laundry or dry cleaning or pick-up agency	-	-	-	-	-	X	X	X	X		(XA Subject to Sec. 10.41)	
6. Hand laundry, dry cleaning or tailoring or other similar use, printing shop, caterers or other similar uses provided personnel is limited to not more than five persons at any one time on the premises	-	-	-	-	-	X	X	X	X	-		
7. Studios for arts and handicrafts provided personnel is limited to not more than five persons at any one time on the premises	-	-	-	-	-	X	X	X	X	-		
8. Indoor places solely for eating and drinking, no dancing or live entertainment permitted	-	-	-	-	-	X	X	X	X		(XA Subject to Sec. 10.41)	
9. Mortuary, undertaking or funeral establishment	-	-	-	-	-	X	X	X	X	-		
10. Veterinary establishment, and/or kennel or similar establishment, provided that in business zone animals are kept wholly indoors	X	-	-	-	-	X	-	-	X	-		
11. Store for outdoor retail sale of merchandise												

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	Bus/ Vil	Bus/ Com.	Ind	Adult Ent	Asst living Skd/Nrg Care
such as but not limited to lumber yards and building supply yards where merchandise is stored in the open provided that all merchandise so stored is screened from ground level view from any abutting street or abutting property at the property line <i>Amended: STM/Dec 10, 1990/Art. 17</i>	-	-	-	-	-	-	-	-	X	X		
12. Adult Book Store, Adult Motion Picture Theater, Adult Paraphernalia Shop, Adult Video Store, Adult Cabaret as defined in and subject to the provisions of Section 10.7 <i>Amended: ATM/May 12, 1997/Art. 56</i>	-	-	-	-	-	-	-	-	-	-		XA
13. Self Service Storage Warehouse providing warehouse storage services directly to the general public, but provided that all storage be contained within buildings, and provided that there be no storage or bailing of junk scrap metal, rags, waste paper or used rubber, and provided that the Planning Board grants a Special Permit approval pursuant to Section 10.6 site plan review <i>Adopted: ATM/May 11, 1998/Art. 44</i>	-	-	-	-	-	XA	-	-	-	-		
F. Automotive Service and Open Air Drive-In Retail Services												
1. Gasoline service stations provided no major repair work to be done on the premises	-	-	-	-	-	X	X	-	-	-		
2. Sale or rental of automobiles, boats and other motor vehicle and accessory storage of same if conducted entirely within an enclosed sound-insulated structure	-	-	-	-	-	X	X	-	X	-		
3. Sale or rental of automobiles, boats and other light motor vehicles and accessory storage conducted partly or wholly on open lots	-	-	-	-	-	X	-	-	X	-		
4. Gasoline service stations and automobile repair:												
4. (a) Gasoline service stations and automobile repair shops, provided all work is carried on within the building but excluding all auto-body shops and all shops for the painting of motor vehicles.	-	-	-	-	-	X	-	-	-	X		
4. (b) Auto-body shops, and shops for the painting of motor vehicles, provided all work is carried on within the building. <i>Amended: STM/June 21, 1999/Art. 14</i>	-	-	-	-	-	-	-	-	-	X		
5. Car washing establishments <i>Amended: STM/Dec. 10, 1990/Art. 17</i>	-	-	-	-	-	-	-	-	-	X		
6. Sales places for flowers, garden supplies, agricultural produce, partly or wholly outdoors, including commercial greenhouses	-	-	-	-	-	X	X	X	X	-		
7. Drive-In Restaurants: A drive-in restaurant is defined as any establishment whose business is the sale of food or beverages in a ready-to-consume state and whose business operation includes the service of food and beverage to a customer in a motor vehicle. <i>Amended: STM/June 21, 1999/Art. 12</i> Subject to Site Plan Review before the Holbrook Planning Board: The nearest layout line of any entrance or exit way of the proposed Drive-In Restaurant must be located more than 100 feet from the nearest layout												

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	Bus/ Vil	Bus/ Com.	Ind	Adult Ent	Asst living Skd/Nrg Care
line(including the allowed turning radius of any or all streets entering the nearest intersection, and to be located in the B1, B2, Business/Commercial, Industrial Zones only and shall require a Special Permit for Drive-In Services. <i>Amended: ATM/June 21, 1999/Art. 13</i>	-	-	-	-	-	-	-	-	-	-		
8. Drive-In Bank	-	-	-	-	-	X	X	X	X	X		
9. Outdoor sports facility conducted for profit	XA	XA	XA	XA	-	XA	XA	X	XA	XA		
10. Place for exhibition lettering or sale of gravestones	-	-	-	-	-	-	-		X	X		
G. Industrial, Wholesale and Transportation Uses												
1. Laundries and dry cleaning plants principally for the trade, not mainly retail local service	-	-	-	-	-	-	-	-	-	X		
2. Printing, binding, publishing and related arts and trades	-	-	-	-	-	-	-	-	XA	X		
3. Bottling of beverages	-	-	-	-	-	-	-	-	X	X		
4. Plumbing, electrical or carpentry shop or other similar service or repair establishment <i>Amended ATM/May 20, 2002/Art. 31</i>	-	-	-	-	-	-	-	-	X	X		
5. Place for manufacturing, assembly or packaging of goods, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor be effectively confined to the premises or disposed of in a manner that does not create a nuisance or hazard to safety or health	-	-	-	-	-	-	-	-	-	X		
6. Wholesale business and storage, each in a roofed structure	-	-	-	-	-	-	-	-	X	X		
7. Trucking terminals	-	-	-	-	-	-	-	-	X	X		
8. Freight terminals	-	-	-	-	-	-	-	-	X	X		
9. Extractive industries <i>Amended: STM/May 4, 1992/Art. 23; Amended: ATM/May 20, 2002/Art. 31</i>	-	-	-	-	-	-	-	-	-	X		
H. Accessory Uses and Off-Street Parking												
1. Private garage for storage of up to three (3) motor vehicles of which not more than one (1) may be a commercial vehicle; and no such commercial vehicle may exceed ten thousand (10,000) lbs. Gross Registered Weight Rating (GVWR). <i>Amended: ATM/May 12, 1997/Art. 45</i>	X	X	X	X	X	X	X	X	X	-		
2. Private greenhouses, tennis court, swimming pool for other similar building, accessory to the main use	X	X	X	X	X	-	-	X	X	-		
3. The raising or keeping of animals, livestock or poultry as pets or for use by residents of the premises provided that any stable or enclosure for any animals shall be not less than one hundred (100) feet from side or rear lot line and not less than fifty (50) feet from any front lot line <i>Amended: STM/Nov. 13, 1989/Art. 9</i>	X	X	X	X	-	-	-	-	-	-		
4. Customary home occupation including office in the home of a physician, dentist, attorney-at-law, architect, engineer,												

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	Bus/ Vil	Bus/ Com.	Ind	Adult Ent	Asst living Skl/Nrg Care
accountant, etc., provided that not more than three (3) persons shall practice or be employed on the premises at any one time	X	X	X	X	X	X	X	X	X	-		
5. Right-of-way of not less than forty feet in width for vehicular access from a residential zoning district to a public way constructed in accordance with the design and construction standards contained in the Planning Board Subdivision Rules and Regulations <i>Amended: STM/May 4, 1992/Art. 23</i>	-	-	-	-	-	X	X	X	X	-		
6. On-site infrastructure related to the main use, including, without limitation, amenities and off-street parking facilities, structures and garages designed to serve the main use in accordance with existing height limitation by Special Permit. <i>Adopted: STM/January 9, 2006/Art. 18</i>	-	-	-	XA	-	-	-	XA	-	-		
I. Assisted Living and Skilled Nursing Care												
1. Facility for providing bona fide assisted living as that term is defined in the Massachusetts General Laws, as amended, and/or for providing bona fide skilled nursing care as that term is defined in the Massachusetts General Laws, as amended, for persons residing therein, and providing 24 hour per day, seven days per week licensed nurses on duty, and Massachusetts Registered physicians on call, and providing the appropriate handicapped facilities, medical facilities, and appropriate indoor and outdoor recreation and physical therapy areas to maintain the standard of life for the residents, and provided that the Planning Board grants a Special Permit approval pursuant to Section 10.6 site plan review. <i>Adopted: STM/Sept. 26, 2005/Art. 42</i>												
7.4 Uses, whether or not the same parcel as activities permitted as a matter of right, access to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production may be permitted upon the issuance of a special permit provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.												
7.5 Notwithstanding any contrary or inconsistent provisions contained elsewhere in this Zoning By-Law (including, without limitation, the provisions of Section 7.3.H.5 above and Section 10.26.1 below), in the case of a Lot which is located in more than one Zoning District, the following shall apply:												
(a) Different uses may be carried out on such Lot, as long as such different uses are otherwise permissible on the portion of the Lot in question pursuant to the terms and provisions of this By-Law, either as-of-right, by Special Permit or otherwise;												
(b) The only minimum frontage requirement under Section 9.4 of this By-Law shall be that which applies to the Zoning District in which the portion of such Lot providing such frontage is located;												
(c) Interior roadways within such Lot, and to end from the different Zoning District therein, may serve all areas of such Lot and the different uses and Zoning Districts therein and shall be designed and constructed in accordance with the roadway and/or sidewalk standards of the Regulations for Subdivisions of Land of the Town of Holbrook. Notwithstanding this however, the Special Permit Granting Authority, Under Site Plan Review, may grant a waiver or waivers from such standards upon a finding that the intended vehicular and pedestrian traffic and public safety access. <i>Amended: STM/January 9, 2006/Art. 13</i>												

SECTION 8: SIGNS

- 8.1 No signs or advertising devices of any kind or nature shall be erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure in Holbrook except as specifically permitted in this section.
- 8.20 IN RESIDENCE DISTRICTS**, sign or advertising devices are permitted only as follows:
- 8.21 One sign displaying the street number or name of the occupant of premises, or both, not exceeding two square feet in area. Such sign may be attached to a building or may be on a rod or post not more than six feet high and not less than three feet from the street line. Such sign may include identification of an accessory studio or professional office in the dwelling or on the premises, or may identify other permitted accessory uses, including customary home occupations.
- 8.22 One bulletin or announcement board or identification sign for a permitted non-residential building or use, not more than six square feet signboard area. For churches and institutions, two bulletin or announcement boards, or identification signs are permitted on each building. Each such church or institution sign shall be not more than ten feet signboard area. No such sign shall be located nearer a street than one-half the required front yard depth.
- 8.23 On the premises with a lawfully non-conforming use, one sign not more than six square feet signboard area.
- 8.24 One "For Sale" or "For Rent" sign, not more than six square feet signboard area and advertising only the premises on which the sign is located.
- 8.25 One building contractor's sign on a building while actually under construction, not exceeding six square feet signboard area.
- 8.25 In Residence Districts all signs or advertising devices shall be stationary and shall not contain any visible moving or moveable parts. No sign or advertising device in such Districts shall be of neon or illuminated tube type. Lighting of any sign or advertising device shall be continuous (not intermittent nor flashing nor changing;) and shall be so placed or hooded as to prevent direct light from shining onto any street or adjacent property. No sign or advertising device shall be illuminated after 11 p.m.
- 8.30 **IN BUSINESS DISTRICTS AND INDUSTRIAL DISTRICTS**, signs shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the articles or services available within said premises.
- 8.31 There shall be no temporary or permanent special promotion signs, banners, streamers or placards erected, suspended, posted or affixed in any manner outdoors or on the exterior of any building in a Business District.
- 8.32 On each lot in a Business District or an Industrial District, there are permitted two signs affixed to the exterior of a building, for each occupant. The top edge of each sign shall be not higher than the roof of the building, or the highest point of the roof, if no ridge pole, nor higher than the plate of a flat roof.
- 8.33 Signs permitted in Business Districts and in Industrial Districts shall be not more than one hundred (100) square feet signboard area per sign.
- 8.4 In Business & Industrial Districts where buildings are set back forty (40) feet or more, one free-standing sign per lot is permitted. The top edge of any such free-standing sign shall be not higher than twenty-five (25) feet vertical measure above the average level of the ground between the supports of each sign. For traffic safety the whole of the signboard or display elements of any free-standing sign shall be either below three feet height or above ten feet height or above ten feet height above average ground level. Any such free-standing sign may be located within the front yard space, if any on such lot, but not nearer than twelve (12) feet to any lot line.
- 8.5 No free-standing sign shall have a signboard area (or display area, if no signboard) exceeding one hundred (100) square feet gross area, measured from the tops of the topmost display elements to the bottom of the lowest display elements, and from exterior side to exterior side of display elements, and including in such measurements any blank space between display elements. No display or signboard dimensions shall exceed sixteen (16) feet for a free-standing sign.
- 8.6 Illuminated signs are permitted, subject to the following conditions:
- 8.61 No sign shall be intermittently illuminated, nor of a traveling light, animated or flashing light type.
- 8.62 Each steadily illuminated sign shall not exceed one hundred (100) square feet gross display area as measured in paragraph 8.6 above.
- 8.63 Sign illumination is permitted only between the hours of seven o'clock in the morning and eleven o' in the evening, except that signs of retail establishments may be illuminated during any hours these establishments are open to the public.
- 8.7 In all zoning districts, for safety reasons, any private outdoor lighting fixture, whether temporary or permanent, other than gaseous tube letters in signs, shall be so placed or hooded that the light source itself shall not be directly visible at any point beyond the lot lines of the premises illuminated.

- 8.8 Non-conforming signs legally erected before the adoption of the By-Law must be made to so comply within five (5) years after the effective date of this By-Law except that all signs must be made to comply with the provisions of paragraphs 8.61 and 8.63 of this By-Law within one (1) year after the effective date of this By-Law.
- 8.9 In all zoning districts, temporary signs for political purposes shall be permitted for not over 60 days before an election and must be removed not later than five days after the election, and shall be not more than 12 square feet in the aggregate area per property, and shall not obstruct the views of vehicular traffic. *Amended: ATM/May 13, 1991/Art. 23*

SECTION 9: LAND SPACE REQUIREMENTS

- 9.1 No building or structure shall be built nor shall any existing buildings or structure be enlarged except in conformance with the regulations of the Holbrook Zoning By-Laws as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear yards, and maximum height of structures, in the several districts as set forth below except as may otherwise be provided elsewhere in the Holbrook Zoning By-Law.
- 9.2 The land and yard spaces required for any new building or use shall not include any land or area required by any other building or use to fulfill Holbrook Zoning requirements.
- 9.3 If more than one building (other than a one, two or three-car garage, a tool shed, a greenhouse or a cabana) may lawfully be placed on any lot in single or common ownership, the distance between the nearest parts of such buildings shall be not less than twenty (20) feet.
- 9.3.1 Notwithstanding the foregoing, the Special Permit Granting Authority, under Site Plan Review, may decrease the minimum distance requirement between the nearest parts of two buildings, upon a finding that such decrease will result in an equal or better design of the development. Adopted: STM/January 9, 2006/Art. 14

9.4 LAND SPACE REQUIREMENTS TABLE

Zoning Districts	Minimum Lot Sizes	Minimum Lot Area per Dwelling Unit	Minimum Continuous Lot Frontage (4)	Minimum Yard Depth			Maximum Building Height (9)		Maximum % of lot Coverage by Building
				Front (5)	Rear	Side	Stories	Feet	
Res. I	60,000	30,000	200	35 (6)	40	20	2 ½	35	20%
Res. II	40,000	20,000	150	30 (6)	30	20	2 ½	35	20%
Res. III	20,000	15,000	125	25 (6)	25	15	2 ½	35	20%
Res. IV	20,000	15,000 (2)	125 (2)	25 (6)+(2)	25 (2)	20 (2)	3	40	20%
Res. V	30,000	20,000	125	30 (6)	30	15	2 ½	35	20%
Bus. I	10,000 (1)	(3)	100	30	30 (7)	20 (7)		35	25%
Bus. II	10,000 (1)	(3)	125	20	30 (7)	40(7)+(10)		35	25%
BusVil	20,000(12)		150(11)	30(11)(13)	30(8)+(11)	30(10)+(14)		40	25%
Bus/Com	20,000		150 (11)	45 (11)	40(8)+(11)	25(8)+(11)		40	40% (11)
Industrial	20,000		150 (11)	45 (11)	40(8)+(11)	25(8)+(11)		40	40% (11)
Adult Entertainment	40,000	(16)	150(11)	45(11)	40(8) +(11)	25(8)+(11)		40	40% (11)
Asst.Liv/ Skl Nrsg.	80,000	2,000	125(2)	25(2)	25(2)	20(2)	2 ½	35	25%

Amended: STM/May 17, 2004/Art. 9; Amended: STM/January 9, 2006/Art. 15 Amended: STM/Sept. 26, 2006/Art. 42

FOOTNOTES:

- (1) 40,000 sq.ft. if used for motel or hotel purposes.
- (2) For apartments, multiple, or attached dwellings see Section 10 *Amended: STM/May 17, 2004/Art. 4*
- (3) 2,000 sq. ft. per motel rental unit.
- (4) Not less than the frontage requirements shall be maintained throughout the front yard depth. *Amended: ATM/May 12, 1997/Art. 55*
- (5) On lots abutting streets on more than one side, the front yard requirements shall apply to each of the abutting streets.
- (6) A dwelling need not be set back more than the average of the set backs of dwellings on the lots adjacent on either side. If a vacant lot exists on one side, it shall be considered as a dwelling set back the depth of the required front yard.
- (7) No part of any non-residential building, structure or parking lot shall be nearer than twenty (20) feet from a Residence District Zoning Boundary.
- (8) No part of any non-residential building, structure, or parking lot shall be nearer than fifty (50) feet

from a Residence District Zoning Boundary, unless waived by the Special Permit Granting Authority under Site Plan Review. Amended: STM/January 9, 2006/Art. 19

- (9) These height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy nor to domes, towers, spires, not used for human occupancy nor to wireless or broadcasting towers and other like unenclosed structures.
- (10) Total of both side yards, with a minimum of 15 feet each yard.
- (11) Special Permit Granting Authority, under Site Plan Review, may increase or decrease density requirements by as much as 40% if they find it warranted by conditions in the area.
Amended: STM/May 4, 1992/Art. 23
- (12) More than one structure shall be allowed on a single lot by Special Permit Granting Authority under Site Plan Review.
- (13) A building need not be set back more than the average of the set backs of buildings on the lots adjacent on either side. if a vacant lot exists on one side, it shall be considered as a dwelling set back the required depth of the front yard.
- (14) No part of any non-residential building, structure, or parking lot in a Business Village shall be nearer than twenty (20) feet from a Residence District Zoning Boundary unless waived by Special Permit by the Planning Board. .Amended: STM/May 17, 2004/Art. 4
- (15) As assisted living and/or skilled nursing facility may have more than one principal building on the lot and the buildings may be attached to each other and to physician's offices on an adjacent lot by enclosed walkways, on or above the ground.
- (16) Only one type of Adult Entertainment Use may be permitted on a Lot. *Amended: STM/Sept. 26, 2006/Art. 42*

9.5 (a) Any portion of a lot which is less in width or depth than eighty (80%) percent of the minimal lot frontage for that zoning district when measured perpendicular to any property line shall not be included in the determination of the required minimum lot size area.

(b) In no case shall a side lot line be such that the direction of the side lot line shall form an angle of less than seventy-five (75) degrees with the street line (or in the case where the side line of the street is a curving line, less than seventy-five (75) degrees with the arc tangent to the curve at the point of intersection with the curving side line of the street).

(c) However, the Planning Board may waive any of the requirements in (a) or (b), above, by a Special Permit granted pursuant to Section 10.6, Site Plan Review, herein, when, in the opinion of the Planning Board, such waiver is consistent with the intent of the Subdivision Control Law and will permit an overall well-designed subdivision and here the overall shape of the parcel of land to be subdivided makes such a waiver appropriate. The Site Plan Review may be conducted in conjunction with related proceedings under the Subdivision Control Law.

Adopted: STM/June 19, 2000/Article 15

9.6 In a Residential I or a Residential II zoning district, the Planning Board may permit a lesser minimum frontage requirement for a lot where part or all of the frontage is on the outside sideline of a curved street having a minimum radius of 300', or a cul-de-sac having a minimum diameter of 120', by Special Permit pursuant to Section 10.6, Site Plan Review, herein, when in the opinion of the Planning Board, such waiver is consistent with the intent of the Subdivision Control Law and will permit a better-designed subdivision with sufficient useable space in each lot and reduced density, and provided such waiver does not reduce the minimum required lot frontage to less than 125', and provided that for each foot of frontage waived the minimum front yard depth is increased one foot and each minimum side yard depth is increased by one half foot, and the minimum lot size of the lot is increased by 500 square feet. The Site Plan Review may be conducted in conjunction with related proceedings under the Subdivision Control Law. *Adopted: STM/June 19, 2000/Article 16*

SECTION 10: SPECIAL PROVISIONS

10.1 The following uses may be permitted as designated in Section 7.3 Table of Use Regulation provided they meet the following requirements in addition to any other requirements.

10.1.1 FAMILY SUPPORT LIVING SPACE

10.1.1 A Family Support Living Space is an additional living space within an existing single family dwelling. This space may include sleeping, cooking and sanitary facilities that is substantially contained within the structure of a single family dwelling. The intended occupant(s) of this living space is extended family of the property owner.

Conversion to add or inclusion of a Family Support Living Space within a single family dwelling shall require a Special Permit issued by the Holbrook Planning Board. Such Special Permit shall be granted only if:

1. The single family dwelling is owner occupied.
2. The additional family support living space will be occupied by not more than two (2) persons who are directly related to the owner by blood, marriage, or adoption; and are either: a parent, uncle, aunt, disabled or elderly (over 65) sibling of the owner or the owner's spouse; or an unrelated licensed care-giver supporting a resident of the dwelling.
3. Alterations will not change the appearance of the dwelling as a single family residence.
4. Entrance and Exits will not be added to the dwelling unless required by current building codes.
5. The additional family support living space will be limited to 600 square feet.
6. Off-street parking must be adequate to accommodate additional occupants of the dwelling.
7. Utility services will be consistent with that of a single family dwelling.
8. Family Support Living Space will be limited to Residential Zones 1, 2, 3, 4, 5.

The Special Permit for a Family Support Living Space will be valid for one year, upon which time it will be renewed. The Special Permit will have an annual fee established. The information within the special permit application will be verified with the town clerk's records and assessor's records. Every two years the permit renewal will include an inspection of the space by the Building Department to ensure all requirements of the by-law are met. Furthermore, the permit will terminate upon the transfer of ownership, or when the purpose for which the permit was granted no longer exists. At which time, any modifications associated with the Family Support Living Space not in compliance with existing single family dwelling building codes, will be removed. *Adopted: STM/October 23, 2007/Art. 21*

10.2 APARTMENTS, MULTIPLE OR ATTACHED DWELLINGS

- 10.21 No building or buildings intended for three or more families shall be constructed on a lot having less than two hundred (200) feet frontage.
- 10.22 A space not less than twenty (20) feet shall be generally maintained open with grass, bushes, flowers or trees along each side lot, rear lot line and front lot line, except for entrance and exit driveways, and such open space shall not be built on, nor paved, nor used for parking except as allowed and approved by the Special Permit Granting Authority pursuant to Section 10.26.1. *Amended: STM/January 9, 2006/Art. 19*
- 10.23 No more than four (4) dwelling units shall be constructed per one (1) acre of land area whether such land area is designated as wetlands or not or the land is otherwise undevelopable.
- 10.24 The manner of sewage disposal shall be approved in writing by the Board of Health.
- 10.25 All off-street parking shall be provided at the rear or side of the building for which it is intended to be used. Parking in the front areas of such buildings may be authorized by a Special Permit issued by the Town of Holbrook Planning Board.
- 10.26 No apartment, multiple, or attached dwelling containing more than four (4) dwelling units shall be constructed unless a Special Permit pursuant to Subsection 10.26 is issued. For the purposes of this Section, the Town of Holbrook Planning Board shall be considered the Special Permit granting authority.
- 10.26.1 Special Permit

Purpose and Intent

The purpose of this special provision section is to provide high quality multi-unit housing uses while minimizing the need for municipal infrastructure and services and while preserving open space. Developments created under this Section shall be designed to maximize the use of available public transportation, to minimize vehicular traffic, and to provide opportunity for pedestrian and recreational uses.

Definitions

Age Restricted Units - Units restricted to occupancy by persons fifty-five years of age or older and that are consistent with and in compliance with Senior Housing Laws.

Bedroom – Any habitable room in a Dwelling Unit other than a living room, dining room, kitchen, utility room, or bathroom.

Countable Units – Units qualifying and countable towards the Commonwealth of Massachusetts mandated minimum affordable housing requirements under Massachusetts General Laws in particular Section 40B ss. 20-23 and the Massachusetts DHCD guidelines. Such units shall be available to groups such as veterans, senior citizens, municipal employees, and others who meet the state income regulations for moderate to low income housing.

Dwelling Unit – Any room or suite of rooms comprising one complete housekeeping unit with its own cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within such room or suite of rooms.

Multiple Unit Building – A free standing building with more than four (4) Dwelling Units.

Multiple Unit Development – A development consisting of one (1) or more Multiple Unit Buildings located on a single or adjacent parcels of land.

Open Space – An area left in its natural vegetated state, designated and maintained exclusively for recreational use, or landscaped to the satisfaction of the Holbrook Planning Board and not used for building, parking, or other related purposes.

Principal Site Roadway – A Roadway serving the site shall be designed to conform with the roadway and sidewalk standards of the Regulations for Subdivision of Land of the Town of Holbrook and or any other standards of the Town of Holbrook.

Senior Housing Laws – Collectively and separately, the Fair Housing Act, 42 USC Section 3607(b), 24 CFR Subtitle B, Ch. 1, Section 100.300 et seq. and G.L. c. 151B, Section 4.

Application Procedures and Fees

Application – An application for a Special Permit for construction under this section shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by (a) fees set forth in the rules and regulations of the Holbrook Planning Board (b) the following information and data, and (c) a Development Plan as described below.

- a. All of the information required for site plan approval pursuant to Section 10.6.
- b. The name(s) and, address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for.
- c. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.
- d. A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water and sanitation.
- e. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.
- f. Areas to be set aside for building structures, parking areas and conservation and recreation easements.
- g. Information pertaining to any organization which the applicant proposes where the development is to be a condominium development.
- h. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.
- i. A traffic study prepared by a registered engineer showing projected traffic totals at peak and off peak hours at all entrances and exits to the site and covering nearby roadways and intersections that may be affected by the use of the site as identified by the Planning Board.
- j. A Development Plan consisting of a plan showing the proposed uses of all land areas within the relevant Multiple Unit Development. The plan shall show in a general manner:

- a. The Location of proposed buildings;
- b. The location and dimensions of drives and parking areas;
- c. The location and characteristics of any common open space;
- d. Proposed infrastructure;
- e. Proposed building renderings.

Application and Technical Review Fees

A filing fee and technical review fee shall be paid by the applicant as a part of any application under this Section. Said fees shall be set from time to time and published by the Town of Holbrook Planning Board in accordance with State Law. The technical review fee shall be used to engage professional, technical and/or legal consultants to review an application for a Special Permit. The technical review fee shall be replenished by the applicant when depleted to an amount less than fifty (50%) percent of the original amount determined. Failure to provide or restore any said fees in this section shall result in denial of applications or revocation of any Special Permit(s) granted to the applicant. Unexpended amounts of the technical review fee will be refunded on request to the applicant upon completion of the project and when in compliance with any requirements placed on it. The applicant will be provided with a detailed accounting of all disbursements from the technical review fee account.

Standard and Requirements

The following standards shall be required in order to be eligible for a Special Permit under this Section.

Open Space Requirements – At least forty (40%) percent of the site shall be open space.

Senior Units – A number of units shall be reserved for Age Restricted Units. Said units shall be restricted for occupancy to persons fifty-five (55) years of age or older and shall comply with any and all Senior Housing Laws. Age Restricted Units shall be enforced by deed restriction on the property. If fewer than thirty-five percent (35%) of the total units allowed by the density set forth in Section 10.23 are constructed as Age Restricted Units, then the overall density allowed under Section 10.23 and as defined under Density in this section shall be reduced by the number of Age Restricted Units allowed but not constructed. The purpose of this requirement is to encourage but not mandate the construction of Age Restricted Units by allowing a greater density when units of this type are built.

Public Transportation - Deleted: STM/January 9, 2006/Art. 20

Recreational Opportunity – On site recreational facilities such as, but not limited to, parks, exercise facilities, gymnasiums, walking or bicycle trails shall be constructed and maintained for the use of the residents.

Density – No more than four (4) dwelling Units shall be constructed per one (1) acre of land space.

Bedrooms – No dwelling Unit constructed under this Section shall contain greater than two bedrooms.

Countable Units – A minimum of fifteen percent (15%) units constructed shall be qualified as Countable Units. Countable Units shall remain eligible for a minimum of thirty (30) years by deed restriction running with the property. Said Units shall only be counted towards meeting this requirement if they are not counted to meet any other such requirement. The applicant is responsible for all application and certification processes needed to certify these units.

Site Plan Review – the application for approval under this section shall be filed in conjunction with the Site Plan Review requirement under Section 10.6 of the Town of Holbrook Zoning By-Law.

Interior Driveways and Roadways – The principal roadway(s) and drives serving the site shall be designed to conform with the standards of the Regulations for Subdivision of Land of the Town of Holbrook and any other standards of the Town of Holbrook. Private ways within the site shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant.

Refuse Pickup and Roadway Maintenance – The owner or unit owners of a development shall be responsible for the maintenance of (including snow and ice removal) of all roadways within the development, for trash and refuse removal, and maintenance of all recreational and landscape amenities required.

Parking – The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The number of parking spaces per dwelling unit provided shall be no less than that allowed by the Town of Holbrook Zoning By-Laws Section 11, “Off-Street Parking and Loading Requirements”.

Stormwater Management – The stormwater management system shall be designed in accordance with the Subdivision Regulations of the Town of Holbrook Planning Board and the DEP's Stormwater Management Guidelines.

Criteria for Approval

The Planning Board may grant a Special Permit or may grant a Special Permit with Conditions for this use (Multiple Unit Development) under this Section where it makes the following findings and the Planning Board shall also make such further findings as may otherwise be required by this section and may attach such conditions or safeguards or limitations on the grant of the Special Permit as it finds to be appropriate and reasonable to protect the surrounding neighborhood and town.

Findings

- a. The proposed development complies fully with all provisions of this section and all other requirements of the Town of Holbrook Zoning Board By-Law.
- b. The proposed development complies with the Purposes and Intent of this section.
- c. That the site is suitable for the proposed use.
- d. Adequate access for police, fire, and public safety exits.
- e. That the internal roadways and driveways are adequate for the proposed use.
- f. That external entrances and exits are sufficient and do not pose a traffic hazard.
- g. That the proposed development has incorporated trip reduction measures in order to minimize vehicular trips to and from the site. These measures any include but are not limited to sponsored transportation to regional and local public transit facilities, pedestrian amenities, bicycle and walking paths.
- h. That adequate parking and loading facilities are provided.
- i. The site will be suitably landscaped to protect the character of the neighborhood and adjacent property and the neighborhood.
- j. The proposed use has an adequate method of sewage disposal, source of water and drainage.
- k. That the distance between structures are adequate for public safety and traffic circulation purposes.
- l. That the distances proposed development makes adequate provisions to insure Age Restricted Units, where applicable, and Countable Units are constructed in accordance with this section and all applicable laws.
- m. The proposed development does not cause detriment to the neighborhood after considering the following potential consequences:
 1. noise, during the construction and operational phase;
 2. pedestrian and vehicular traffic;
 3. environmental harm;
 4. visual impact caused by the character and scale of the proposed structure(s);
 5. makes no detrimental impact on municipal services
 6. historical character of the neighborhood

Permit Lapse

Special permits issued under this section shall lapse within twenty-four (24) months of Special Permit approval if a substantial use thereof or construction has not begun, except for good cause as determined by the Special Permit Granting Authority.

Amended: STM/May 17, 2004/Art. 7

10.3 MOTELS

10.31 No motel shall be constructed on a lot having less than two hundred (200) feet frontage.

- 10.32 On each lot used for motel purposes there shall be provided front, rear and side yards each not less than fifty (50) feet depth.
- 10.33 A space not less than twenty (20) feet shall be maintained open with grass, bushes, flowers, or trees all along each side lot, rear lot and front lot, except for entrance and exit driveways and such open space shall not be built on, nor paved, nor used for parking.
- 10.34 Each rental unit shall contain not less than two hundred (200) square feet habitable floor area.
- 10.35 Each motel site shall be provided with not more than two (2) motor vehicle driveways for each abutting street which shall intersect the abutting street or streets at ninety (90) degrees.

10.4 ACCESSORY USES IN INDUSTRIAL DISTRICTS

- 10.41 Principal uses listed in Section 7.3 of the Table of Use Regulations which are permitted by special permit in Industrial Districts may be permitted as exception provided they meet the following requirements in addition to any requirements of the Board of Appeals.
 - (a) the use is confined to the interior of any permitted building
 - (b) the primary purpose of such accessory use is to serve the occupants of the building in which such use is located
 - (c) there is no external advertising of such accessory use

10.5 BUSINESS USES IN RESIDENTIAL DISTRICTS

Deleted: ATM/May 15, 1989/Art.34

10.6 SITE PLAN REVIEW

I. GENERAL

- (A) No building permit for the alteration, reconstruction, relocation or change of use of any commercial or industrial building involving 5, 000 or more square feet of floor area or of any apartment development involving eight (8) or more dwelling units shall be issued without approval of a site plan by the Planning Board by the granting of a Special Permit.
- (B) No building permit for new construction of a commercial or industrial building involving 2500 or more square feet of floor area or of a multi-family building involving four (4) or more dwelling units shall be issued without approval of a site plan by the Planning Board by the granting of a Special Permit.
- (C) No such Site Plan approval shall be required for the construction, alteration, reconstruction or relocation of a single-family home, or its related accessory buildings.
- (D) In acting as the Special Permit Granting Authority for this review, the Planning Board shall follow the requirements of the General Laws, Chapter 40A and shall follow the procedures outlined in Section 12 of this by-law. Six copies of the application, site plan and any supporting documents shall be filed with the Planning Board, and one copy filed with the Town Clerk by the applicant. The Planning Board shall establish fees and promulgate rules and regulations, which shall govern the Site Plan Review process, and may grant waivers from the requirements of the rules and regulations in cases where the Planning Board deems it appropriate. No application shall be complete until all of the fees established are paid. No new application for a site may be filed or approved where the Planning Board finds that there is an existing Site Plan approval concerning that site and that there is significant noncompliance with the conditions of the prior approval.
- (E) As part of the process of considering an application for the grant of a special permit, the Planning Board shall review the plans concerning the quality of design relative to construction, site development, landscaping, exterior architectural appearance, and signage for all new, altered and/or renovated buildings.

1. The purpose of the design review process is to preserve and enhance the Town of Holbrook's cultural, economic, and historic resources by providing a detailed review of certain changes in land use, the appearance of structures and the appearance of sites which may affect these resources. The review procedures are intended to enhance the social and economic viability of Holbrook by preserving property values and promoting the attractiveness of the Town as a place to live, visit, and shop; to encourage the conservation of buildings that have aesthetic or historical significance; and to prevent alterations that are incompatible with the existing environment or that are of inferior quality or appearance.

2. For purposes of this by-law, “exterior architectural appearance” shall include the architectural character and general composition of the exterior of the building, including, but not limited to, the kind, color, and texture of building materials, including paint color, and the type, design, and character of all windows, doors, light fixtures, signs, awnings, utility and ventilation structures, and all other appurtenant elements, however the authority of the Planning Board to regulate the exterior design and appearance of the buildings shall not be exercised in a manner that is inconsistent with the State Building Code.

3. For purposes of this by-law, the “appearance” of a site shall include the character, layout, and general composition of the site, including, but not limited to, the kind, color, and texture of such materials as plantings, fences, stone walls, retaining walls, paving, benches, site-lighting, freestanding signs, utility structures, and all other appurtenant items.

II. APPLICATION

Each application and site plan for review by the Planning Board shall be prepared by a Registered Professional Engineer, Architect, Landscape Architect or Land Surveyor, as is appropriate to the relevant part of the application or plan, shall be stamped with his or her official stamp, and shall include, among other things:

1. A statement of the ownership, area, dimensions, boundaries of the site with the names of all adjoining owners as shown on the most recent tax list, North Arrow, delineation of applicable zoning districts, flood plain boundaries and wetland boundaries, as applicable.
2. The location and elevations, grades, setback, side yards, and rear yards of all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, vehicular circulation, docks, pedestrians circulation paths and walks, exterior storage, lighting locations showing types, heights and area to be covered, service areas and other open uses, outdoor recreation space and facilities, all facilities for sewage, refuse and other waste disposal and for surface water drainage and all landscape features (such as fences, walls, planting areas and walks) on the site, sign location showing size, type, configuration and construction method, size and location of all pad mounted electrical or mechanical equipment, size and location of all subsurface tanks, showing material constructed of, configuration, capacity, material held, and location of ancillary and support pumps, fillers and pads.
3. All existing and proposed topography at one foot contour intervals.
4. Profiles and cross-sections of all proposed driveways and parking areas.
5. Proposed circulation of vehicular and pedestrian traffic within the development of the site and in the ways adjacent thereto.
6. Landscaping Plan showing botanical and common name of all existing and proposed new planting and vegetation.
7. Building Plans (including exterior elevations) in color showing proposed exterior building materials, trim, roofs, doors, windows, steps, walks, platforms, docks, and handicapped ramps, existing and proposed grades.
8. Location of any and all rooftop mounted heating, ventilating and air conditioning equipment including exhaust stacks and antennae.
9. Call out elevations of finish grade, floors, top of roofs, ridges and parapets.

III REVIEW

(A) In reviewing each such application, the Planning Board shall study the site plan with reference to the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, the users of the adjoining streets or highways, and the welfare of the Town generally including its amenities. In addition to compliance with all of the land space and building space requirements and with the off-street parking and loading requirements, set forth in this by-law, the Board shall consider, among other things, the following:

1. Traffic safety and ease of access for vehicles and pedestrians at street and highway entrances and exits of driveways, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections;
2. Safety and adequacy of driveway layout, off-street loading areas for materials and products, off-street loading sites for customers, and sufficiency of access for vehicles for such services as electricity, gas, fuel, telephones, laundry, rubbish removal, water, sewer, fire, police, ambulance or other routine or emergency services;

3. Safe and adequate means of disposal of sewage, garbage and rubbish; the safety and adequacy of water supply and distribution and of fire fighting facilities on the site and the adequacy of all other municipal services required by the development on the site or the prospective occupants thereof.
4. Adequacy of storm-water drainage and snow-melt run-off systems from all driveways and from all parking and loading areas on the site.
5. The natural features and characteristics of the site, including such subjects as streams, wetlands, vegetations, topography and rock crops.

(B) The Planning Board shall review site designs, site plans, and building designs. The following design criteria shall be considered by the Planning Board in reaching its decision of approval or disapproval:

1. The Planning Board's central purpose is to avoid design that would have a negative affect and negative consequences for the residents of Holbrook in general, for nearby residents, or for the remainder of the neighborhoods involved. The Planning Board is precluded from mandating any official "aesthetic" for Holbrook or for imposing the style, and/or character of any particular architectural or historical period, however the Planning Board shall strive to require that the style and character of new, altered or renovated buildings are compatible with the neighborhood in which they are located. The Planning Board shall not regulate the interior design or layout of the building.
2. The design for the proposed project shall not have a deleterious affect upon nearby properties, the balance of the neighborhood involved, or upon the design character of Holbrook.
3. Insofar as practicable, the proposed design shall preserve the landscape in its natural state by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring and abutting areas. In the event that changes in the natural state are required in order to construct the project, then the applicant shall provide and maintain attractive landscaping that will be an asset to balance the neighborhood and to the character of Holbrook.
4. Open space should be so designed as to add to the visual amenities of the vicinity for persons passing the site, persons within the site, and persons overlooking the site from nearby properties.
5. Vehicular ingress, egress, access and parking and/or pedestrian circulation shall not adversely affect the use and enjoyment of nearby properties, or shall be in keeping with the standards of good design.
6. Exposed exterior storage areas, machinery, service areas, loading areas, or utility structures shall be adequately screened and shall not be incongruous with the remainder of the proposed environment and its surroundings.
7. Signs or other advertising through their size, location and other characteristics shall not distract from the proposed buildings, nearby properties, the remainder of the neighborhood, or the design character of Holbrook.
8. Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure, or site and its environment. The removal or alteration of any historic material or architectural features should be avoided when possible.
9. Stylistic features distinctive to the architecture of a specific building, structure, or landscape, or examples of skilled craft which characterize a building, structure, or site shall be conserved or preserved where feasible and appropriate, and may be considered for use as the basis for design of additions. Their removal or alteration should be avoided wherever possible.
10. Contemporary design for new structures or sites, alterations, or additions to existing properties shall not be discouraged when such new developments, alterations, or additions do not destroy significant historical, architectural, or cultural material, and when such design is compatible with the design character of the surrounding environment.
11. The design of alterations and additions shall, where reasonable and appropriate, strive to improve the quality, appearance, and usability of existing buildings, structures, and sites.

(C) Design Review Standards

The Planning Board shall consider, at a minimum, the following standards in the course of the design review of a proposed action:

1. Height – The height of any proposed alteration should be compatible with the style and character of the building, structure, or site being altered and that of the surroundings.

2. Proportions – The proportions and relationships of height to width between windows, doors, signs, and other architectural elements should be compatible with the architectural style and character of the building or structure and that of the surroundings.
3. Relation of Structures and Spaces – The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surroundings.
4. Shape – The shape of roofs, windows, doors, and other design elements should be compatible with the architectural style and character of a building or site and that of its surroundings.
5. Landscape – The purpose of any proposed landscape development or alteration should be to enhance the character and appearance of the surrounding area, landscape, and streetscape elements, including topography, plantings, and paving patterns and to provide continuity and definition to the street and pedestrian areas.
6. Scale – The scale of a structure or landscape alteration should be compatible with its architectural or landscape design style and character and that of the surroundings. The scale of ground-level design elements such as building entryways, windows, porches, plazas, parks, pedestrian furniture, plantings, and other street and site elements should be determined by and directed toward the use, comprehension, and enjoyment of pedestrians.
7. Architectural and Site Details – Architectural and Site details including signs, lighting, pedestrian furniture, plantings, and paving, along with materials, colors, textures, and grade shall be treated so as to be compatible with the original architectural and landscape design style of the structure or site and to preserve and enhance the character of the surrounding area.
8. Signs – The design of signs should reflect the scale and character of the structure or site and its surroundings. Signs should simply and clearly identify individual establishments, buildings, locations, and uses.

IV. BUILDING PERMIT

No permit to build or alter or expand any building or structure requiring a site plan review under this by-law shall be issued by the Building Inspector until said Inspector shall have received from the Planning Board a certification approving a site plan with or without conditions and granting a special permit as required by this by-law. The Building Inspector shall enforce any conditions or safeguards which the Planning Board may impose in order to satisfy any of the factors upon which the Site Plan Review is based.

Amended: STM/May 8, 2000/Art. 48

SECTION 10.7 ADULT BOOK STORE/ADULT MOTION PICTURE THEATER/ADULT CABARET/ TATTOO PARLOR AND SKIN ART ESTABLISHMENTS

As used in this Zoning By-Law, the following terms shall have the following definitions:

ADULT BOOKSTORE: An establishment having a substantial or significant portion of its stock in trade, books, magazines, videos and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Section 31, Chapter 272.

ADULT MOTION PICTURE THEATER: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Section 31, Chapter 272.

ADULT PARAPHERNALIA: An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in M.G.L. Section 31, Chapter 272.

ADULT VIDEO STORE: An establishment having as a substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished by or characterized by their emphasis depicting, describing or related to sexual conduct or sexual excitement as defined in M.G.L. Section 31, Chapter 272.

ADULT CABARET: A nightclub, bar, restaurant, tavern, dance hall or similar commercial establishment which regularly features:

A: person who appears in a state of nudity; or

B: live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in M.G.L. Section 31, Chapter 272.

SPECIAL PERMIT USES BY BOARD OF SELECTMEN

The following uses, or uses customarily accessory thereon, may be granted as Special Permit uses by the Board of Selectmen subject to the conditions and requirements of Section 7.3 (E) (12).

- A. Adult Bookstore
- B. Adult Motion Picture Theater
- C. Adult Paraphernalia Store
- D. Adult Video Store
- E. Adult Cabaret
- F. Tattoo Parlor
- G. Skin Art Establishment

The following regulation and standards shall apply to Adult Bookstores, Adult Motion Picture Theaters, Adult Paraphernalia Stores, Adult Video Stores, and Adult Cabarets, Tattoo Parlors and Skin Art Establishments.

- A. Adult Bookstores, Adult Motion Picture Theatres, Adult Paraphernalia Stores, Adult Video Stores, Adult Cabarets, Tattoo Parlor and Skin Art Establishments, may not be located within five hundred (500) feet of each other and five hundred (500) feet of the nearest lot lines of:
 - 1. A school, a playground, a house of worship, a public park or library.
 - 2. Any establishment licensed under the provisions of M.G.L., Section 12, Chapter 138.
- B. Adult Bookstores, Adult Motion Picture Theaters, Adult Paraphernalia Store, Adult Video Stores, Adult Cabarets, Tattoo Parlors and Skin Art Establishments
And all their advertising signs shall not be located within thirty-five (35) feet of a public or private way and must be set back minimum of twenty (20) feet from all property lines.
- C. No special permit shall be issued under the Section to any person convicted of violating the provisions of Section 63 of Chapter 119 or Section 28 of Chapter 272
- D. All applications for Special Permit under this Section must include the following information:
 - 1. Name and address of the legal owner of the bookstore, theater, a paraphernalia store, adult video store, adult cabaret, tattoo parlor, and/or skin art establishment;
 - 2. Name and address of all persons having lawful, equity, or security interests in the bookstore, theater, paraphernalia store, adult video store, adult cabaret, tattoo parlor and/or skin art establishment;
 - 3. Name and address of the manager;
 - 4. The number of employees;
 - 5. Proposed security precautions; and the
 - 6. The Physical layout of the premises.

Amended: ATM/Nov. 27, 2000/Art. 13

SECTION 10.8 COMMUNICATION TOWERS AND WIRELESS COMMUNICATION FACILITIES

1. Purpose Applicability and Use

The purpose of this By-Law is to establish appropriate siting criteria and standards for communication towers and facilities including but not limited to radio, television, and cellular communications in order to minimize adverse visual impacts and maintain the residential character of the town, and preserve scenic views to and from the town's roadways and waterways. This By-Law is intended to establish reasonable regulations while allowing adequate service to residents, the traveling public and others within the town and to accommodate the need for the minimum possible number of such facilities within the Town of Holbrook. The requirements of this By-Law shall apply to all communication towers and wireless communication facilities that require a special permit in accordance with Section 7.3D6 of this By-Law, excluding in-kind or smaller replacement of existing equipment.

2. Required Performance Standards

- a. Any tower shall be set back from property lines a distance at least equal to the height of the tower.
- b. No towers may be constructed within areas subject to protection under the Inland/Costal Wetlands By-Law.
- c. Any tower shall be at least 500 feet from any existing building.
- d. Accessory structures housing support equipment for towers shall not exceed 400 square feet in size and fifteen (15') in height and shall be screened from views.
- e. Clearing of natural vegetation should be limited to that which is necessary for the construction, operation, and maintenance of the tower.
- f. Night lighting shall be prohibited unless required by federal authorities and shall be the minimum necessary.
- g. One tower shall be permitted per lot.
- h. No tower shall be more than 150 feet above the natural grade.
- i. Shared use of tower and co-locations of communication devices is encouraged. All towers constructed as principal uses shall be designed to accommodate the maximum number of communication facilities possible.
- j. Whenever feasible, wireless communication facilities shall be located on existing towers or other non-residential structures, minimizing the construction of new towers.
- k. Wireless communication facilities placed on existing buildings shall be camouflaged or screened and designed to be harmonious and architecturally compatible with the building. No facility shall project more than five (5) feet above the existing roofline of the building. Any equipment associated with the facility shall be located within the building.
- l. Towers and facilities shall be painted a neutral, non-reflective color designed to blend with the surrounding environment.

3. **Administrative Procedures**

Site plan approval and Special Permit shall be granted by the Planning Board in accordance with M.G.L. Chapter 40A, Section 9. The Planning Board shall adopt rules relative to the issuance of special permits, including application fees, and file a copy with the Town Clerk.

4. **Criteria for Review and Approval**

- a. The SPGA shall review all applications for communication towers and shall find:
 - (i) that the location of the tower or device is suitable and that the size, height, and design is the minimum necessary for that purpose;
 - (ii) that the proposed tower or devices will not adversely impact historic structures or scenic views;
 - (iii) that there are no feasible alternatives to the location of the proposed tower or devices (including co-location) that would minimize their impact and that the applicant has exercised good faith in permitting future co-location of facilities at the site; and
 - (iv) that the proposed tower or device is in compliance with federal and state requirements regarding aviation safety.

The findings, including the basis for such findings of the Board shall be stated in the written description of approval, conditional approval, or denial of the application for Special Permit, and shall require a 4/5 majority vote for approval.

b. The Board shall also impose, in addition to any application conditions specified in the By-Law, such applicable conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise service the purposes of this By-Law, including, but not limited to: screening, buffering, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking removal or cessation of use, or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in any amount satisfactory to the Board.

c. The Special Permit is granted for a period of two (2) years and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown. And provided further that such construction, once begun, shall be actively and continuously pursued to completing within a reasonable time. Any extension, addition of cells or construction of new or replacement towers shall be subject to an amendment of the Special Permit following the same procedure as for an original grant of a Special Permit. *Adopted: ATM/May 12, 1997/Art. 54*

5. **Location and Appearance**

a. Communications Towers and Wireless Communication Facilities shall be located in existing or reconstructed church steeples or in the Industrial Zone. This Wireless Communications Services District, shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

b. In order to apply for permission to construct a Communication Tower and/or Wireless Communication Facility the Applicant shall provide with the application proof of ownership of the right to erect and maintain such structures or facilities. Such proof may include deeds, certificates of title, leases, and purchase and sales agreements. It may also include easements where the easement specifically permits such use. The burden of showing the right to utilize the premises for the intended purpose shall rest with the applicant, and the Planning Board shall not be requested to authorize a trespass or an overburdening of an easement. *Adopted: STM/June 19, 2000/Art. 18*

6. Waivers

The Planning Board, as Special Permit Granting Authority may waive any of the foregoing provisions when in the opinion of the Planning Board, such waiver will accomplish the purposes of this bylaw and is in the public interest.

Adopted: STM/June 19, 2000/Art. 18

10.9 VILLAGE HOUSING DISTRICT

1. Purpose. The Purpose of the Village Housing District (VHD) is to:

- a. Provide dwellings for the exclusive occupancy of individuals fifty- five (55) years of age or older; and
- b. Provide for mixed and diverse varieties of housing, including affordable housing; and
- c. Provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas.

2. Applicability. The VHD shall be constructed in a Residential I, II, III district. All requirements of the zoning district(s) shall remain in full force and effect, except where the requirements of the VHD are more restrictive or provide for uses or structures not otherwise available in the district; in such cases, the requirements of the VHD may supersede the zoning regulations upon the issuance of a special permit from the Town of Holbrook Planning Board.

3. Location and Eligibility. Said VHD district shall include all land areas in the town of Holbrook designated as lying within the Residential I, II, and III zoning districts.

No parcel of land shall be considered for development under this bylaw unless it contains a minimum of twenty-five (25) contiguous acres of land.

No land that has been zoned for any non-residential purpose during a period of ten (10) years prior to the date of application for a Special Permit under this section shall be eligible for use under this bylaw.

4. Definitions.

- a. Applicant - The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit for construction of a VHD, hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the proposed VHD, or have authority from the owner(s) to act for him or hold an option or contract duly executed by the owner(g) and the Applicant giving the latter the right to acquire the land to be included in the site.
- b. Bedroom - A separate room within a dwelling unit intended for, or which customarily could be used for, sleeping.
- c. Buffer - An area within a VHD adjacent to its boundaries, streams, and ponds, which may not be developed except as provided herein.
- d. Development Schedule - A schedule showing the order and timing of construction and the sequence of the improvements to be built or furnished in the VHD site, separated into stages where applicable.
- e. Dwelling Unit- One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit. No dwelling unit in a VHD shall contain more than two (2) bedrooms.
- f. Regulations - The rules and regulations of the Town of Holbrook Planning Board related to subdivisions, special permits, and site plans.
- g. Dwelling:
 - 1. Single Family structure - A detached dwelling unit for one family.

2. Multi Family Structure – An attached dwelling unit for one family per unit
h. Upland acres - Land without a wet area.

i. Village Housing Development (VHD) - A combination of dwellings and permissible accessory uses authorized by special permit from the Town of Holbrook Planning Board as set forth herein.

j. Wet Areas - All land subject to the provisions of G. L. c. 131, ss. 40 and 40A.

5. Use Restrictions. A VHD, consisting of the uses set forth below, individually or in combination, may be authorized by a special permit issued by the Planning Board pursuant to this Section and in compliance with the standards set forth herein.

- a. Single-family and Multi Family Dwellings owned and occupied by persons over the age of 55. The Planning Board at its sole discretion shall determine the ratio of single to multi-family dwellings.
- b. Structures and uses accessory to the use set forth above including: community building serving the residents of the VHD; underground utilities located on a lot not serving the dwelling; recreational facilities; roadways.

6. Application. An application for a special Permit for construction within the VHOD shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by
(a) the fees set forth below; (b) the following information and data, and (c) a development plan as described below.

- a. All of the information required for site plan approval pursuant to Section 10.6;
- b. The name(s) and, address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for.
- c. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.
- d. A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water and sanitation.
- e. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.
- f. Areas to be set aside for building structures, parking areas and conservation and recreation easements.
- g. Information pertaining to any organization which the Applicant proposes here the development is to be a condominium development.
- h. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

7. Standards, In order to be eligible for consideration for a the special permit, the proposed VHD shall meet all of the following:

- a. Age Restriction. All occupants of a dwelling unit within a VHD shall be at least fifty-five (55) years old. The applicant shall enforce this condition by deed restrictions. Such deed restrictions shall be approved as to form by the Planning Board.
- b. Unit Owners' Association. The applicant shall ensure that all unit owners within a VHD shall be members of a Unit Owner Association for the management and operation of common areas. The documents creating such Unit Owners, Association shall be approved as to form by the Planning Board and be in accordance with G.L. c. 183.A.
- c. Common Areas and Facilities. The applicant shall provide a clubhouse for the use and enjoyment of the unit owners within the VHD. The Planning Board may require additional recreational facilities as it deems necessary. All roads, drainage facilities, common areas (including the clubhouse, pools, and trail system, if any) shall be maintained by the mandatory Unit Owners Association, Garbage removal shall be the responsibility of the Unit Owners Association.
- d. VHD Density, The Planning Board may approve a VHD with a density of not more than one dwelling unit per ten thousand (10,000) square feet of land area. Fractional calculations shall be rounded down to the nearest lower whole number.
- e. Open Space Requirement. At least forty (40%) percent of the VHD site shall be open space, which shall be left in its natural vegetated state or landscaped to the satisfaction of the Town of Holbrook Planning Board. The open space shall be contiguous and usable by dwelling unit owners within the VHD.

- f. **Buffer.** A buffer area of 100 feet shall be provided at the perimeter of the VHOD. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may reduce the width of the required buffer where the applicant demonstrates that suitable screening will be provided by other means.
- g. **Wetland Buffer Area.** A buffer area of 100 feet shall be provided adjacent to wetland resource areas protected by G.L. c. 131, s. 40. No building shall be located in this buffer. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance.
- h. **Roadways and Paths,** The principal roadway(s) serving the site shall be designed to conform with the standards of the Regulations and any other standards of the Town of Holbrook. Private ways shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, and access to the amenities and facilities on the site and to paths on adjacent sites.
- i. **Parking,** The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The number of parking spaces per dwelling unit provided shall be no less than that allowed by the Town of Holbrook Zoning By-Laws Section 11, "Off-Street Parking and Loading Requirements".
- j. **Stormwater Management,** The stormwater management system shall be designed in accordance with the Subdivision Regulations of the Town of Holbrook Planning Board and the DEP's Stormwater Management Guidelines.
- k. **Utilities.** All electric, gas, telephone, cable, and water distribution lines shall be placed underground.
- l. **Dimensional Requirements.** The development of one or more structures on a lot or lots shall be permitted in an application to construct a VHD. Such structures may be situated on any common or individual lot consistent with the overall design objectives of the VHD, provided, however, that such structures shall comply with the provisions of the State Sanitary Code, 310 CMR 15.00, any other applicable State regulations, and with the rules of the Town of Holbrook Board of Health.
- m. **Preference.** As a condition of approval, the Planning Board may require that Holbrook residents will be given a preference in the initial purchase of dwelling units within a VHD. Such preference shall be for thirty-five percent (35%) percent of the dwelling units in the VHD and shall be for at least one year from the issuance of the final certificate of occupancy for any building within the VHD.

8. Fees. The filing fee for a special permit pursuant to this Section 10-9 shall be \$600.00, The Town of Holbrook Planning Board shall also charge the applicant an administrative fee and technical review fee, pursuant to G.L. c.; 44, s. 53G & 53E1/2. Such fee shall be used to cover expenses incurred by the Board, engage professional, technical and/or legal consultants to review an application for a special permit within the VHD. The initial deposit of such fee shall be \$7,500 for a review fee and \$3,000 for an administrative fee. The applicant shall restore said fee to the original amount when depleted to a balance of less than half the original amount. Failure to provide or restore any said fees in this section shall result in denial of applications or revocation of special permits granted to the applicant.

9. Accessibility. All such units constructed under this section shall be fully handicap accessible.

10. Municipal Improvements. The Town of Holbrook Planning Board shall require the Applicant to make any necessary municipal infrastructure improvements such as water, sewer, roadways, it deems needed to mitigate the impact of development under this section.

11. All units constructed under this section shall be subject to the provisions of the Town of Holbrook, Zoning By-Laws Section 10.6 "Site Plan Review". The Site Plan approval exemption relating to single family residences (10.6 1. c.) shall not apply to units created as a part of a VHD permit.

12. Public Transportation. Any such VHD granted under this section shall be proximate to public transportation or provide shuttle, or reimbursement for, service to nearby public transportation facilities.

13. Decision. The Planning Board may grant a special permit for a VHD where it makes the following findings:

- a. The proposed VHD complies fully with the requirements of this By-law;

b. The proposed VHD does not cause substantial detriment to the neighborhood after considering the following potential consequences:

1. noise, during the construction and operational phases;
2. pedestrian and vehicular traffic;
3. environmental harm;
4. visual impact caused by the character and scale of the proposed structure(s).
5. makes no detrimental impact on municipal services Adopted: ATM/May 20, 2002/Art. 29

SECTION 11: OFF-STREET PARKING AND LOADING REQUIREMENTS

- 11.1 No land shall be used and no building or structure shall be erected, enlarged or used unless the off-street parking and loading space requirements are provided as specified in this section.
- 11.2 Where the computation of required parking space or loading bay results in a fractional number, only the fraction of one-half (1/2) or more shall be counted as one (1).
- 11.3 Required off-street parking facilities or loading bays shall be provided on the same lot as the principal use they are designed to serve.
- 11.4 Each required car space shall be not less than nine (9) feet in width and twenty (20) feet in length exclusive of drives and maneuvering space and the total area of any parking facility for more than five (5) cars shall average at least three hundred (300) square feet per car exclusive of driveways.
- 11.5 Each loading bay shall be not less than ten (10) feet in width and thirty-five (35) feet in length exclusive of drives and maneuvering space, and all required bays, drives and maneuvering space shall be located entirely on the lot with direct access to the building intended to be served.
- 11.5.1 Notwithstanding the foregoing, the Special Permit Granting Authority, under Site Plan Review, may decrease loading bay dimensional requirements upon a finding that such decrease will result in an equal or better design of the development. If such a decrease is granted, it shall be applicable only so long as the use for which it is granted continues. A change in use will require re-application for a grant of the decrease. Adopted: STM/January 9, 2006/Art. 16
- 11.6 Where one building is used for more than one use parking requirement shall be computed for each use (a motel with a restaurant would be required to provide parking for both rental units and for seating capacity of the restaurant—a professional office in a residence must provide the space for both office use in addition to the residential requirement).

PRINCIPAL USE

One and two family dwelling

Apartments

Rooming House

Motels

Permitted Offices in Residence

Retail Stores

Retail Services

Restaurants, Theatres and other places of

Assembly exclusive of churches

Bowling Alleys

Offices

Warehouses

Other commercial or industrial buildings

Amended: STM/January 9, 2006/Art. 17

NUMBER OF SPACES

2 spaces per dwelling unit

2 spaces per dwelling unit

2 spaces plus 1 space for each rental unit

2 spaces plus 1 ½ spaces for each rental unit 1 ½ spaces for each 20 sq. ft. of floor area available for meetings or functions

3 spaces plus 3 spaces for each non-resident employee

One space for each two hundred (200) sq. ft. of gross floor area

One space for each one hundred-fifty (150) sq. ft. of gross floor area

One (1) space for each four (4) seats

Four (4) spaces for each alley

One (1) space for each three hundred (300) sq. ft. of gross floor area

One space for each nine hundred (900) sq. ft. of gross floor area

One space for each nine hundred (900) sq. ft. of gross floor area

11.7 TABLE OF OFF-STREET LOADING SPACE REQUIREMENTS

Category of Use	Number of Loading Bays Required by Gross Floor Area of Structure (in thousands of square feet) Under					
	4	4-15	15-50	51-100	100-150	New Structures Over 150 for each additional 150 or fraction thereof
Retail Trade	0	1	2	3	4	1
Wholesale Storage						
Transportation Terminals						
Manufacturing						
Consumer Services						

Office Buildings						
Residential Uses	0	1	1	2	3	1
Recreation						
Research Laboratories						

SECTION 12: APPEALS AND BOARD OF APPEALS AND PLANNING BOARD

- 12.1 As provided by Massachusetts General Laws there shall be in Holbrook a Board of Appeals for zoning matters, which may be also the Building By-Law Board of Appeals. Such Board of Appeals shall consist of three members and three associate members, all of whom shall be appointed by the Selectmen in the manner specified in the Massachusetts General Laws. Such Board members shall have and exercise the powers available under Massachusetts General Laws.
- 12.2 The Board of Appeals shall have the following powers:
- 12.21 Appeals – To hear and decide an appeal taken by any person aggrieved by reason of his/her inability to obtain a permit or enforcement action from the Building Inspector under the provisions of General Laws, Chapter 40A or of this By-Law, by the regional planning agency or by any person including an officer or board of the Town of Holbrook or of an abutting town aggrieved by an order or decision of the Building Inspector in violation of any provisions of General Laws, Chapter 40A or of this By-Law.
- 12.22 Special Permits – To hear and decide an application for a special permit, as provided in this By-Law, only for uses in specified districts which are in harmony with the general purposes and intent of this By-Law and which shall be subject to any general or specific rules prescribed herein and to any appropriate conditions, safeguards and limitations on time and use. A special permit shall lapse within a two-year period or a shorter period if so specified by the Board, including any time required to pursue or await the determination of an appeal pursuant to General Laws, Chapter 40A, Section 17, and if a substantial use thereof has not sooner commenced except for good cause or in the case of a permit for construction if construction has not begun within the period except for good cause.
- 12.23 Variances – To hear and decide a petition with respect to particular land or structures for a variance from the terms of this By-Law where the board specifically finds that owing to circumstances relating to soil conditions, shape, or topography, of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the By-Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantially derogating from the intent or purpose of this By-Law. The Board of Appeals may impose conditions, safeguards and limitations both of time and use, including the continued existence of any particular structures but excluding any condition, safeguard or limitation based upon the continued ownership of the land or structure to which the variance pertains by the applicant, petitioner or any owner. If the rights authorized by a variance are not exercised within one year of the date of the authorization, they shall lapse and may be re-established only after a new notice and hearing.
- Amended: ATM/May 13, 1985/Art. 19*
- 12.3 In the case of every appeal made to the Board of Appeals, every petitioner for a variance and every application for a special permit to said Board under the provisions this By-Law, the Board shall hold a public hearing thereon. Notice of the hearing shall be given by publication in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting said notice in the Town Hall for a period of not less than fourteen (14) days before the day of the hearing. Notice shall be sent by mail, postage prepaid, to parties in interest including the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred (300) feet of the property line, including owners of land in another municipality all as they appear on the most recent applicable tax lists, and the Planning Board of every abutting municipality. The assessors shall certify to the Board of Appeals the names and addresses of the parties in interest.

In the case of an appeal from a decision of the Building Inspector and in case of a variance, a petition shall be filed with the Town Clerk who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within sixty-five (65) days of the receipt of the petition from the Town Clerk and shall render a decision within seventy-five (75) days from the date of filing. Failure by the Board to take final action upon a petition within the said seventy-five day period shall be deemed to be a grant of the appeal or the variance applied for.

In the case of a special permit, an application shall be filed with the Town Clerk who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within sixty-five (65) days of the filing date and shall render a decision within ninety (90) days from the date of the public hearing. Failure to take action within the said ninety (90) day period shall be deemed to be a grant of the permit applied for.

- 12.4 The Planning Board shall have the powers given to the Board of Appeals above for Site Plan Review under Subsection 10.6 the same procedures shall be followed by the Planning Board as the Board of Appeals as in 12.22 and 12.3 above. Amended: STM/May 14, 1990/Art. 30
- 12.5 The Planning Board shall consist of five (5) elected members and one (1) appointed associate member. Said appointed associate member shall be appointed annually by a majority of the Board of Selectmen and the elected Planning Board Members. A vacancy occurring for otherwise than by expiration of term shall be filled for the unexpired term in the same manner. Said appointed associate member shall have only the duties authorized by Massachusetts General Laws Chapter 40A, Section 9 related to the granting of special permits and shall sit on the board only when designated pursuant to said Chapter 40A, Section 9. *Adopted: STM/March 16, 1992/Art. 14*

SECTION 13: ZONING AMENDMENTS

- 13.1 This By-Law may be amended from time to time at an annual or special town meeting. An amendment may be initiated by the submission to the Board of Selectmen of a proposed change by the Board of Selectmen, the Board of Appeals an individual owning land in the town to be affected by the amendment, registered voters of the Town pursuant to General Laws, Chapter 39, Section 10., the Planning Board and the Regional Planning Agency. Within fourteen (14) days of the receipt of a proposed change, the Board of Selectmen shall submit it to the Planning Board for review and a report. A public hearing shall be held by the Planning Board within sixty-five (65) days after the proposed change is submitted to the Board. Notice of the hearing shall be given by the Board in accordance with the provisions of General Laws, Chapter 40A Section 5. *Amended: STM/Dec. 13, 1978/Art. 4*
- 13.2 If geographic change of zoning boundary description be proposed, words of boundary description change for insertion in the warrant shall be accompanied by a brief written statement of the nature, extent and location in the Town of the zoning map change proposed, together with three black-line prints of a diagram to scale showing the area to be changed, stating pertinent dimensions in feet.
- 13.3 The costs of publication and mailing of notices of hearing and the costs of holding such zoning hearing and of making a public record of the proceedings at such hearing, if such a record be made, shall be paid by the Planning Board, but the Planning Board may determine whether a fee to cover such costs shall be required of the zoning amendment proponents.

SECTION 14: ZONING AMENDMENTS

- 14.1 No building shall be erected, altered or moved in Holbrook without a written permit issued by the Building Inspector. Such permits shall be applied for in writing to the Building Inspector. The Building Inspector shall not issue any such permit unless the plans for the building and the intended use thereof in all respects fulfill the provisions of the Holbrook Zoning By-Law, except as may have been specifically permitted otherwise by action of the Holbrook Board of Appeals, provided a written copy of the terms governing any such permission be attached to the application and to the resulting building permit issued. One copy of each such permit as issued, including any conditions or exceptions attached thereto shall be kept on file in the office of the Building Inspector.

Construction or operations under a building or special permit shall conform to any subsequent amendment of this By-Law unless the use or construction authorized by this permit is commenced within a period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. *Adopted: STM/Dec. 13, 1978/Art. 4*

- 14.2 Each application for a permit to build, alter, or move a building shall be accompanied by a plot plan in such number of copies and drawn to such scale as is required in the Holbrook Building By-Law. Each such plot plan shall show dimensions and areas of lots and of structures to be erected, altered or moved, and adjacent streets or ways. Such plot plans shall accurately indicate dimension and angles of all lot lines shown thereon, also of any streets or ways. Such plot plans shall indicate approved street grades and proposed elevations of the tops of foundations. Also such plot plans shall show the locations of existing sanitary sewers, storm drains, and water pipes in any street shown and the locations of all existing buildings and structures within the application area.
- 14.3 The Holbrook Zoning By-Law shall be enforced by the Holbrook Building Inspector. The Building Inspector, upon being informed in writing of a possible violation of this By-Law or on his own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist.

If the Building Inspector is requested in writing to enforce this By-Law against any person allegedly in violation of the By-Law and the Building Inspector declines to act, he shall notify in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore within fourteen (14) days of receipt of such request. (Amended: STM/Dec. 13, 1978/Art. 4). The Building Inspector, on evidence of any violation, after investigation and inspection shall give written

notice of such violation to the owner and to the occupant of such premises. The Building Inspector shall demand in such notice that such violation be abated within a reasonable time, designated therein by the Building Inspector. Such notice and demand may be given by mail addressed to the owner at the address appearing for him on the most recent real estate tax records of the Town of Holbrook, and to the occupant at the address of the premises of such seeming violation.

- 14.4 If, after such notice and demand, such violation has not been abated within the time specified, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Holbrook to prevent, correct, restrain or abate any violation of this By-Law.

14.5 **Violations and Penalties**

Any violation of any provision of this By-Law shall be punishable by a fine of not more than one hundred dollars (\$100.00). Each violation and each day of violation shall constitute a separate offense, punishable by fine as aforesaid.

Amended: STM/Dec. 13, 1978(Art. 4)

SECTION 15: REPETITIVE PETITIONS

15.1 **By-Law Amendments**

No proposed change in this By-Law which has been unfavorably acted upon by the Town meeting shall be considered by the Town Meeting within two (2) years after the date of such unfavorable action unless adoption of the proposed change had been recommended in the final report of the Planning Board to the Town Meeting.

15.2 **Board of Appeals Decisions**

No appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals shall be acted favorably upon within two years after the date of final unfavorable action unless (1) all but one of the members of the Planning Board consent to a repetition after notice is given to parties in interest of the time and place of the proceedings to consider consent and (2) the Board of Appeals by unanimous vote finds specific and material changes in the conditions, upon which the previous unfavorable action was based, describes such changes in its records and similarly consents.

SECTION 16: EFFECTIVE DATE

16.1 **TOWN MEETING**

The effective date of an amendment to this By-Law shall be the date on which such amendment was adopted by a favorable two-thirds vote of Town Meeting subject to its approval by the Attorney General and its publication in a town bulletin or pamphlet and posting or publication in a newspaper as provided in General Laws, Chapter 40, Section 32.

*Zoning By-Laws Adopted: Feb. 23, 1954/Art. 17
As amended through STM/October 23, 2007/Art 21*